SENATE.

SATURDAY, *February 24, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

HISTORY OF THE CENSUS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Commissioner of Labor, transmitting, in response to a resolution of the 23d instant, the manuscript prepared by him on the History and Growth of the United States Census. Quite a large mass of papers accompany the communication.

Mr. HALE rose.

The PRESIDENT pro tempore. What does the Senator from Maine suggest in relation to it?

Mr. HALE. I did not quite understand. Is it a history of the census?

The PRESIDENT pro tempore. It is a report of Mr. Carroll D. Wright, in response to a resolution of the Senate, giving the history and growth of the census. The resolution was offered by the chairman of the Census Committee, the Senator from Montana [Mr. CARTER].

Mr. HALE. I should think, from the size of the document, that the printing must exceed the $500 limit, and so it ought to go to the Committee on Printing.

Mr. PENROSE. I move that it be referred to the Committee on the Census.

Mr. HALE. I do not see any objection to that, and then that committee can scrutinize it and report; but it has to be printed first, or else there is no use to refer it. I suggest it had better go to the Committtee on Printing, and then have them refer it, when it is ordered printed, to the Committee on the Census.

Mr. PENROSE. I suggest, as the communication was sent here in response to a resolution submitted by the chairman of the Committee on the Census, and as he is absent, it is only courtesy due to him to hold the matter up or refer it to his committee.

Mr. HALE. Under those circumstances let it lie on the table until the Senator comes in. I did not know that he had offered the resolution.

Mr. PENROSE. I understood the Chair to so state.

The PRESIDENT pro tempore. Yes; it was in response to a resolution submitted by the Senator from Montana [Mr. CARTER].

Mr. HALE. Then let it lie on the table.

The PRESIDENT pro tempore. It will lie on the table for the present.

Mr. CARTER subsequently said: The communication from the Commissioner of Labor, embraced in the package before the Senate, is a history of the various censuses taken from the foundation of the Government up to this time. I presume, viewing the mass at this distance, the amount involved in printing will exceed the sum named in the rule, $500, and I therefore suggest that the communication and accompanying papers go to the Committee on Printing for report.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Printing under the rule, there being no objection.

Mr. CARTER subsequently said: Mr. President, during the morning hour a report received from the Commissioner of Labor in response to a resolution of the Senate was referred to the Committee on Printing under objection of the Senator from Maine [Mr. HALE]. Since that time, I understand the Senator has apprised himself of the nature of the communication and the desirability of having it printed. In view of the fact that it should be printed without delay, I move that the Committee on Printing be discharged from the further consideration of the subject-matter, and that the usual number of copies of the document be printed.

The PRESIDENT pro tempore. The Senator from Montana, from the Committee on the Census, asks that the order referring the report of the Commissioner of Labor to the Committee on Printing this morning be reconsidered and that it be referred to the Committee on the Census, and ordered to be printed. Is there objection? The Chair hears none, and it is so ordered.

INTERIOR DEPARTMENT LIBRARY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of the Interior, with inclosure, requesting that provision be made in the legislative, executive, and judicial appropriation bill for appropriation for the purchase of current literature for the library of the Department of the Interior in the sum of $500; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4698) granting an increase of pension to John C. Fitnam;

A bill (H. R. 5487) authorizing the construction by the Texarkana, Shreveport, and Natchez Railway Company of a bridge across Twelve-Mile Bayou, near Shreveport, La.; and

A bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Grand Lodge, Brotherhood of Locomotive Firemen, of Peoria, Ill., and a petition of Local Branch No. 305, National Association of Letter Carriers, of Joliet, Ill., praying for the enactment of legislation to increase the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Quincy, Ill., and a petition of the Business Men's Association of Hampton, Va., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the National Live Stock Exchange of Chicago, Ill., remonstrating against the passage of the so-called oleomargarine bill, and praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 99, Cigar Makers' International Union, of Ottawa, Ill., remonstrating against the admission of products from Puerto Rico and the Philippines free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of Local Unions Nos. 14, 15, 217, and 227, Cigar Makers' International Union, all of Chicago, Ill., remonstrating against the reduction of the tariff on cigars imported from Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the National Paperhangers' Association, of Chicago; the Trades' and Labor Association, of Bloomington; the Federal Union of Mt. Vernon, and the Trades' and Labor Assembly, of Canton, all in the State of Illinois, remonstrating against the cession of public lands to the several States; which were referred to the Committee on Public Lands.

He also presented petitions of Local Union No. 63, United Brotherhood of Carpenters and Joiners, of Bloomington; of Local Union No. 58, United Mine Workers, of Kewanee; of Local Union No. 416, United Brotherhood of Carpenters and Joiners, of Chicago; of Local Union No. 52, Coal Miners' Union, of Centralia; of Local Union No. 800, United Mine Workers, of Streator; of Local Union No. 274, Cigar Makers' International Union, of Pekin, and of Local Union No. 98, United Mine Workers, of Duquoin, all in the State of Illinois, praying for the enactment of legislation limiting the hours of daily service of laborers, workmen, and mechanics employed upon public works in the United States or any Territory or the District of Columbia, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

Mr. HEITFELD presented the petition of Catharine P. Wallace, president, and Anna Van Schick, secretary, on behalf of the New Mexico Woman Suffrage Association, praying that political equality be granted to the women of Hawaii and the other new island possessions; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the Chamber of Commerce, of Boise, Idaho, remonstrating against the leasing of public lands to individuals and private corporations, etc.; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Idaho, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. PERKINS presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the enactment of legislation to regulate the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the enactment of legislation to increase the artillery force of the United States Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Cahuenga Valley Lemon

Exchange, of Colegrove, Cal., remonstrating against the establishment of free trade with the people of Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the California State Woman Suffrage Association, praying that the right of suffrage be extended to the women of Hawaii, Cuba, Puerto Rico, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Oakland City Council, of California, praying for the appointment of a commission of United States engineers to examine and make plans for the improvement of Oakland Harbor, in that State; which was referred to the Committee on Commerce.

Mr. GALLINGER presented a letter, in the nature of a memorial, from A. Purley Fitch, of Concord, N. H., remonstrating against the free distribution of blackleg vaccine by the Bureau of Animal Industry; which was referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented a petition of Du Lac Grange, No. 72, Patrons of Husbandry, of Wisconsin, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a memorial of Local Union No. 61, Cigar Makers' International Union, of La Crosse, Wis., remonstrating against the admission of cigars free of duty from Puerto Rico and the Philippines; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 61, Cigar Makers' International Union, of La Crosse, Wis., praying that all the remaining public lands be held for the benefit of the whole people and that the public grazing lands be leased to settlers on adjacent lands, etc.; which was referred to the Committee on Public Lands.

Mr. FRYE presented a petition of the congregation of the Friends' Church, of Elba, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in military canteens, Soldiers' Homes, immigrant stations, and public buildings, and also to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which was referred to the Committee on Education and Labor.

He also presented memorials of the Medical Society of the City Hospital Alumni of St. Louis, Mo.; of the Medical Society of the State of California, and of the Lake County Medical Association of Colorado, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which were referred to the Committee on the District of Columbia.

THE PACIFIC CABLE.

Mr. HALE. I present a letter from Edmund L. Baylies, accompanying a summary of the argument presented to Congress upon the question as to whether the proposed Pacific cable shall be made and laid by a private corporation or by the United States; also a letter from James A. Scrymser, accompanying a report of Mr. Carson, manager of the Anglo-American Telegraph Company, respecting the life of ocean cables, and a copy of a hearing before the Committee on Naval Affairs on the 13th instant on the bill (S. 2) to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable. I move that the papers be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, to report it with sundry amendments, and to submit a written report thereon, which I ask may be printed. I shall endeavor to call the bill up at some early day next week.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 855) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 98) providing for the erection of a public building at the city of Spokane, in the State of Washington, reported it with an amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 1260) to enable the President to restore Second Lieut. Henry Ossian Flipper, United States Army, to duty, rank, and status in the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1319) granting an increase of pension to Annie E. Joseph, reported it with amendments, and submitted a report thereon.

Mr. MONEY, from the Committee on Public Buildings and Grounds, submitted a report to accompany the bill (S. 1402) for the erection of a public building at Natchez, Miss., heretofore reported by him.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 2584) for the relief of Mary E. McDonald, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 142) for the relief of Frederick K. Carlisle, asked that the committee be discharged from its further consideration, and that the bill and accompanying papers be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2533) to restrict grounds of divorce and improve the procedure in the District of Columbia and the Territories, and for other purposes, asked that the committee be discharged from its further consideration, and that the bill be referred to the Committee on the District of Columbia; which was agreed to.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3310) to restore the name of W. H. Mills to the roll of the Volunteer Army of the United States, and to grant him an honorable discharge therefrom; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3311) for the relief of Edwin Bell; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 3312) granting a pension to Hanora Darwan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3313) extending the mining laws to saline lands; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. HALE introduced a bill (S. 3314) granting a pension to Mary I. Bradbury; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3315) granting an increase of pension to William G. Stone;

A bill (S. 3316) granting an increase of pension to William C. C. Whitlock; and

A bill (S. 3317) granting an increase of pension to John W. Baynum.

Mr. MONEY introduced a bill (S. 3318) for the relief of the estate of John W. Cunyus, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3319) relating to the administration of law and justice in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN introduced a bill (S. 3320) for the relief of Mrs. Sophia H. Fitts; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS submitted an amendment proposing to increase the salaries of pressmen in the office of the Treasurer of the United States from $1,200 to $1,400, and also the salary of one compositor and pressman in the same office from $3.20 per day to $1,400 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,000 for the preparation of a general index to the published volumes of the diplomatic correspondence and foreign relations of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment extending the provisions of an act entitled "An act granting extra pay to officers and enlisted men of United States Volunteers," approved January 12, 1899, to all regimental and company officers and enlisted men who served in the Volunteer Army of the United States during the war with Spain and were honorably discharged therefrom prior to January 12, 1899, intended to be proposed by him to the Army appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FAIRBANKS submitted an amendment proposing to increase the allowance for salary of the consul at Bahia, Brazil, from $2,000 to $2,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

GOVERNMENT FOR PUERTO RICO.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes; which were ordered to be printed.

LUCY E. BOARDLEY.

Mr. WARREN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy E. Boardley, widow of William Boardley, deceased, late a laborer in the Senate stables, a sum equal to six months' salary at the rate paid to said laborer per annum, said sum to be considered as including funeral expenses and all other allowances.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. Mr. President, yesterday, as I understand it, it was agreed that the resolution relative to the credentials of Hon. M. S. Quay should be called up on Monday morning. It will be observed that during the speech of the Senator from Virginia [Mr. DANIEL], when the hour of 2 o'clock arrived, the Senator from Massachusetts [Mr. HOAR] asked unanimous consent "that the unfinished business be taken up at the conclusion of the remarks of the Senator from Virginia, and that he now proceed with his remarks." The Senator from Illinois [Mr. CULLOM] said, "That is all I desire."

I do not desire to call up the resolution to-day; but I desire to notify the Senate that I shall call up the resolution on Monday, and if members of the majority of the committee are not prepared to proceed, Senators representing the opinion of the minority of the Committee on Privileges and Elections will proceed in the case.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. Is there further morning business?

Mr. COCKRELL. The Calendar.

The PRESIDENT pro tempore. If not, the Calendar under Rule VIII is in order.

Mr. CULLOM. I would ask the Senate to proceed with the consideration of the Hawaiian bill, but I see that the Senator from Connecticut [Mr. PLATT] who was to make some remarks is not present, and also the Senator from Alabama [Mr. MORGAN] seems not to be here now. I will allow the regular order to run along until those gentlemen come in.

Mr. HALE. What is the understanding? Is it that we shall proceed to consider unobjected cases under Rule VIII?

The PRESIDENT pro tempore. That is the regular order.

Mr. COCKRELL. That is the regular Calendar.

FORT PEMBINA MILITARY RESERVATION LANDS.

The bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota was announced as first in order on the Calendar.

Mr. COCKRELL. The Senator who reported that bill is absent. Let it be passed over, retaining its place.

The PRESIDENT pro tempore. The bill will be passed over.

SCHOOLS OF MINES.

The bill (S. 2746) to aid the public-land States to support schools of mines was read, and considered as in Committee of the Whole.

Mr. ALLISON. This is a pretty important bill. I hope some Senator will explain its provisions, so that we may see the effect of it.

Mr. COCKRELL. Let the report be read. It is very short.

Mr. ALLISON. Very well.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. PETTIGREW January 29, 1900, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 2746) to aid the State of South Dakota to support a school of mines, have considered the same and beg leave to report in lieu thereof a bill to aid the public-land States to support schools of mines.

It has been deemed wise by the committee to recommend the enactment of general legislation of this character covering all the public-land States.

The committee respectfully recommends the passage of this bill, for the reason that it will aid in the establishment of institutions of learning in the mineral-land States, where the sciences of chemistry, metallurgy, mineralogy, geology, mining, and mining engineering, and other allied subjects can be taught. In the opinion of the committee it is especially important to do this in the States where the mining operations are practically carried on and where the practical application of this knowledge can be made. The lack of scientific knowledge in the development of our mining resources has been a great hindrance to this industry in the past. While the great universities in the East have taught these allied sciences, nevertheless it has been practically impossible for the youth of the mineral-land States to enjoy these advantages, owing to the great distance these institutions of learning are located from the seat of mining operations.

This bill proposes an expenditure of 50 per cent of the moneys received from the sale of mineral lands in the respective States for the purpose of aiding these institutions, and it is provided therein that such expenditure shall in no case exceed $12,000 annually; and it is further provided that the several States receiving this expenditure shall also expend a like amount in aid of these institutions. Students coming from other States are given the same privileges in these schools which are accorded to residents of the respective States where they may be located. The advantages of these schools will therefore extend to all students, regardless of the States they may come from, who may desire to pursue the study of these sciences.

The committee is of the opinion that it is to the interest of the entire country that such institutions be encouraged, to the end that it may bring about a more intelligent effort to the development of the vast mineral resources of the United States.

Mr. PLATT of Connecticut. I was not in when the bill was read, and therefore I wish to make an inquiry. Is it intended to give every public-land State, whether it has minerals in it or not, the right to establish a school, or only those States which are largely mineral? I suppose, for instance, without speaking by the book, that the State of Nebraska has very little of mineral land, and there are other States. I do not know what the bill provides for.

Mr. TELLER. If the Senator will let me read the first section of the bill, it is as follows:

That each of the public-land States shall annually receive 50 per cent of all moneys paid to the United States for mineral lands within said States, respectively, for the maintenance of a school of mines in each of the said States: *Provided*, That said sum so to be paid shall not exceed the sum of $12,000 per annum to each State, nor shall it exceed the amount annually expended by each of the said States for said school of mines.

Mr. PLATT of Connecticut. That, then, would only——

Mr. TELLER. It only really applies to mineral lands. I will say that this is a bill which has passed the Senate, I think, in almost the exact terms several times. A Senator near me asks if it applies to iron and coal. As it applies to mineral lands, I think it would apply to coal.

Mr. ALLISON. Where there are public lands now?

Mr. TELLER. Yes; where there are public lands now.

Mr. ALLISON. I do not know what the definition of a public-land State is.

Mr. WOLCOTT. Mr. President——

The PRESIDENT pro tempore. Does the senior Senator from Colorado yield to the junior Senator from Colorado?

Mr. TELLER. Certainly.

Mr. WOLCOTT. I suppose perhaps there ought to be some amendment reciting that the bill is to apply in States where there are now public lands undisposed of.

Mr. TELLER. There is no objection to inserting that. When the bill formerly passed the Senate it was limited, I believe, to Colorado, and it has been enlarged by making it apply to all the States.

Mr. COCKRELL. In section 1, line 8, after the word "each," I move to insert "now having public lands;" so as to read, "to each State now having public lands."

Mr. WOLCOTT. That will do.

Mr. PETTIGREW. Mr. President, I see no necessity for the amendment. There will be no revenue if there are no public lands, and therefore the bill will not apply to a State where there are not public lands to be disposed of. This, I think, is a bill which I introduced for South Dakota, and the Committee on Public Lands amended it by embracing all public-land States. It has passed the Senate, however, several times since 1890.

Mr. STEWART. It refers to the mineral lands of any State. If there are not mineral lands in a State, of course it does not apply.

Mr. PETTIGREW. No; of course not. There is no necessity for the amendment at all.

Mr. PLATT of Connecticut. I trust we will be excused for asking questions. Are there not schools of mines in some of those States now?

Mr. TELLER. I should like to say to the Senator that several of the mineral-land States and States producing precious metals have schools of mines. Colorado has maintained a school of mines and has kept it open for all the world for a great many years and paid the bills herself. While this will give us $12,000, it will not be a tithe of what we pay every year. We have a school of mines that, in my judgment, is equal to any school of mines in the world for the purposes for which schools of mines are maintained. It is not a very large amount that we are receiving. It seems to me that some of the States that have just started their schools of mines will be very much benefited, and I think it no more than fair that they should have it.

Mr. WOLCOTT. Mr. President, just a word as to the propriety of changing the phraseology. Of course if there are not public lands from which there are revenues, there would be no revenue from the sale of public lands that could be applicable to schools of mines in those States. But it is not a proper designation of a State of this Union to call it a public-land State. You might just as well in a bill say all navigable-river States shall be governed so and so, or all public-building States; you might as well say all coinage-mint States shall have so and so appropriated for them. It is not a proper designation of a State to speak of it as a public-land State. The bill should read, "All States having public lands undisposed of within their borders," or "All States having public lands." Every State has some public land—public land for its public buildings—and that is not a proper designation of a State. As long as we are passing the measure, it seems to me wiser that

we should designate our Commonwealths by States and then limit the conditions by proper designation, and not call our States public-land States. There is not any such thing as public-land States.

Mr. CARTER. Mr. President, independent of the phraseology, the measure is meritorious. The mere matter of phraseology is an inconsiderable matter.

Replying further to the suggestion of the Senator from Connecticut, I will say that the State of Montana has constructed a very commodious building in the city of Butte, near by the leading copper-producing camp of the United States, for a school of mines.

Mr. PLATT of Connecticut. If the Senator will allow me, I think, upon reading the bill carefully, I have no objection to it. It only provides that this sum shall be paid to States where there are schools of mines maintained. I did not so understand it at first.

Mr. CARTER. There is but a small proportion of the actual expenses of conducting the schools that will be paid through the operations of this bill. Only a portion of the sums collected within the States from sales of mineral lands will be given, but it will materially add to the efficiency of the schools. The contribution is analogous to the aid given to agricultural schools in the various States for agricultural development.

Mr. WARREN. Mr. President, it seems to me that if there is to be any amendment, for which I do not see any necessity, all that would be necessary would be to strike out the words "public land" before "State." Then it would read that each State shall annually receive one-half of the proceeds from the mineral lands, etc. I can not see any objection to that, if there is to be any amendment.

Mr. WOLCOTT. That covers it.

The PRESIDENT pro tempore. The Chair is not informed of any pending amendment.

Mr. WARREN. I will not offer it as an amendment if none is considered necessary. It seems to me, however, that what I proposed is the only kind of an amendment that would be needed.

Mr. CARTER. There is no need of an amendment.

Mr. HOAR. I should like to ask the Senator from Colorado if that phrase, whether theoretically liable to his criticism or not, has not got into legislative use?

Mr. WOLCOTT. The phrase "a public-land State?"

Mr. HOAR. Yes.

Mr. WOLCOTT. No; I do not think so.

Mr. HOAR. It is certainly in familiar use. For instance, one of the famous speeches of Charles Sumner is entitled, "Justice to the Land States." That is the title under which the speech passes. Of course it is not like a legislative provision of law, but I have the impression that that phrase has become a common one in our legislation.

Mr. WOLCOTT. But there are many of the States to which that phrase was applicable then to which it would not be applicable now. It was a transitory condition in any event. I would say, "a State having public lands," and I offer that as an amendment, Mr. President.

The PRESIDENT pro tempore. The amendment of the Senator from Colorado will be read. Where shall the amendment come in?

Mr. WOLCOTT. Let the first line of section 1 read: "That all States having public lands shall annually receive 50 per cent," instead of reading "each of the public-land States."

Mr. COCKRELL. That would just be striking out the words "the public land" before "States" and after the word "States" inserting "having public lands."

Mr. WOLCOTT. That will do. I accept the suggestion of the Senator from Missouri.

Mr. COCKRELL. Let that change be made in line 3, and that will end it.

The PRESIDENT pro tempore. The Senator from Colorado accepts the modification of the Senator from Missouri. It will be read.

The SECRETARY. Change line 3 so as to read:

That all States having public lands shall annually receive 50 per cent of all moneys, etc.

Mr. COCKRELL. I thought it was to read "each of the States." Let it go the way it is, though.

The PRESIDENT pro tempore. Is there objection to the amendment?

Mr. PETTIGREW. I do not know that I have any objection to the amendment. The designation of public-land States, however, is one that has been used for a generation as distinguishing those States where the Government disposed of the public domain. Of some of the States, the original thirteen States and some of the others, the area was not public domain. Many of them were not surveyed as we now survey the public lands of the United States. But I can see no harm in the amendment, and I care nothing about it. The Department has designated these States as public-land States in official communications, and Congress has designated them as public-land States time and time again in laws. Therefore there is no necessity for a departure, but I do not know that there is any harm in a departure in this connection.

I want to say also, in answer to the question of the Senator from Connecticut, that South Dakota has maintained a school of mines for the last sixteen or seventeen years—a very excellent school. Under this bill we can not receive from the Government more money than we expend upon the school. However, we are expending very much more than the amount which this bill will give us, and it will simply enable us to maintain a better school than we have been maintaining.

Mr. CARTER. Mr. President, the language employed in the proposed amendment is scarcely expressive of the thought the Senator has in mind, I apprehend. I presume the amendment contemplates the expression of the idea of States having public lands as being States within whose borders public lands exist. "Having" implies ownership. None of the States own public lands in the common acceptation of the term as used in reference to the public domain of the United States. If "having" public lands implies ownership, then the construction of the phraseology would render the bill inoperative. I presume the better word would be embracing public lands or containing public lands.

Mr. WOLCOTT. That word I certainly would not object to.

Mr. CARTER. Instead of the word "having," then, I suggest that the word "embracing" be inserted.

Mr. WOLCOTT. It is a good word.

The PRESIDENT pro tempore. The Senator from Montana suggests an amendment which will be stated.

The SECRETARY. Amend the amendment by striking out the word "having" and inserting the word "embracing."

Mr. RAWLINS. I move to amend the amendment by striking out the words "public lands" and leaving the section otherwise to stand as it was reported by the committee.

Mr. WOLCOTT. I hope the Senator from Utah will preserve "embracing."

Mr. RAWLINS. That word does not have any fascination for me, because this provision is limited by the subject-matter. "Each of the States shall annually receive 50 per cent of all moneys paid to the United States for mineral land within said States." There is no necessity for talking about States having public lands or public-land States, because that last clause clearly limits the provision.

Mr. COCKRELL. Let it be read.

The PRESIDENT pro tempore. The Secretary will read the first amendment.

The SECRETARY. The first amendment was to strike out after the word "that" the words "each of the public-land States" and insert in lieu the words "all States embracing public lands."

The PRESIDENT pro tempore. The Senator from Utah proposes an amendment to the amendment.

Mr. RAWLINS. If that is in order, it is to strike out the words "public lands."

The SECRETARY. Strike out the words "public lands;" so as to read:

That each of the States shall annually receive 50 per cent, etc.

Mr. COCKRELL. That is right.

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. WOLCOTT. Section 2 of the bill reads:

That before any money shall be paid to each of the said States under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that each of the said States is maintaining a school of mines.

Of course, I do not suppose that has been sanctioned and hallowed by long usage so as to convey a more distinct idea than its faulty diction would appear to make it convey. The framer of the bill certainly does not want it to appear that before any money shall be paid to each of the States the Secretary shall be satisfied that each of the States is maintaining a school of mines.

I suggest that as the bill now stands the phraseology would be vague and uncertain, and that it should be amended so that in the first line of section 2 the word "each" be changed to "any," so as to read:

That before any money shall be paid to any State under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that such State is maintaining a school of mines.

The PRESIDENT pro tempore. The Senator from Colorado proposes an amendment, which will be read.

The SECRETARY. On page 1, line 11, section 2, strike out the words "each of the said States" and insert the words "any State," and in line 1, page 2, strike out the word "each" and insert the word "such."

Mr. WOLCOTT. Strike out "each of the said States" and insert "such State," in line 1 on page 2.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. Let it be read as amended.

The PRESIDENT pro tempore. The Secretary will read the clause as amended.

The Secretary read as follows:

SEC. 2. That before any money shall be paid to any State under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that such State is maintaining a school of mines within its borders in which students in attendance are given instruction in chemistry, metallurgy, mineralogy, geology, mining, mining engineering, and so forth.

Mr. HOAR. I desire to suggest to my honorable friend the junior Senator from Colorado that that "and so forth" deserves his attention.

Mr. WOLCOTT. This is another bill, is it not?

Mr. HOAR. It is the same bill. There must be a school which instructs persons in "and so forth," according to the way it was read. Do I understand the Senator to approve that?

Mr. WOLCOTT. If I have interfered at all, it has been with great hesitancy, because it is the special province of the senior Senator from Massachusetts to correct the errors made by the rest of us in grammar, spelling, and punctuation. I only undertook to help this bill because the Senator seemed to be temporarily engaged on other duties; and I will now yield to him and let him fix the bill as he believes it should be arranged.

Mr. PLATT of Connecticut. I do not find the words "and so forth" in the bill anywhere.

Mr. HOAR. It was read at the desk, but it can be read again.

The PRESIDENT pro tempore. The Chair instructed the Secretary that it was unnecessary to read the balance of that entire section.

Mr. HOAR. I beg the Chair's pardon. I understood that that was a part of the bill. It was read as such at the desk. I make no further point.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. The title ought to be amended.

The PRESIDENT pro tempore. The title will be amended in accordance with the phraseology.

The title was amended so as to read: "A bill to aid certain States to support schools of mines."

FORT PEMBINA MILITARY RESERVATION LANDS.

Mr. RAWLINS. Mr. President——

Mr. CULLOM. I was about to make a motion to proceed to the consideration of the Hawaiian bill.

Mr. RAWLINS. Will not the Senator permit one bill to be called up that was passed over in the absence of the Senator from North Dakota [Mr. HANSBROUGH]?

Mr. CULLOM. Will it lead to any discussion?

Mr. RAWLINS. I think not. If it does, I shall not press it.

Mr. CULLOM. I will yield for that purpose.

Mr. RAWLINS. I ask that the bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill has been read at length, and an amendment is pending.

Mr. RAWLINS. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert the following:

That the right is hereby granted to any State to locate and make selection of public lands within abandoned military or other reservations in such State to satisfy the grants of lands made thereto.

Mr. RAWLINS. There ought to be no objection, it seems to me, to this amendment. Under the different enabling acts——

The PRESIDENT pro tempore. Will the Senator from Utah indicate where in the bill this amendment is to come in?

Mr. RAWLINS. I propose it as an additional section to the bill.

The PRESIDENT pro tempore. The amendment is offered as an additional section.

Mr. HANSBROUGH. I trust the Senator from Utah will not insist upon that amendment. His amendment proposes general legislation. It is not a matter that has been before any committee of the Senate. I assure the Senator that if he will introduce a bill carrying out the provisions of his amendment and send it to the Committee on Public Lands, it will be duly considered there. It will take the usual course of general legislation. It will be sent to the Interior Department for report, and then be considered by the committee. I do not believe that the amendment has any place on this bill.

Mr. RAWLINS. Mr. President, if the Senator from North Dakota will permit, this is a bill which I did introduce at the last session of Congress, which was referred to the Committee on Public Lands, and not acted upon. I again introduced it on the first or second day of this session, and it has been pending before the Committee on Public Lands, and referred by that committee to a subcommittee. I have conferred with the members of that committee in relation to it, and I have understood from them that there was no objection to it.

I desire simply to state the object of the bill. In interpreting the grants made by Congress to the different States it has been uniformly held by the Land Department, and also in repeated decisions by the Supreme Court of the United States, that land within abandoned military reservations might be subject to selection to satisfy such grants. Recently, within the past three years, there has been a ruling by the Secretary of the Interior to the effect that such lands are not open to those grants.

The object of this bill is solely to remove the difficulty arising from that decision. It continues the practice which has always prevailed in respect of all the States to which Congress has made grants of land. For instance, there is this exception in all the grants, so far as I have been able to ascertain, that lands within Indian reservations and military reservations are not subject to grants made to the State. That is true.

It has never been held that where a reservation has been abandoned, obliterated as a reservation, having no vitality as such, that those lands came within the exception as to the grant. Recently it has been held that that is so. The object of this provision is to remove that difficulty; and I trust the Senator from North Dakota will not object. The Senator from Minnesota [Mr. DAVIS] and other Senators have had occasion to investigate the subject. The provision I have offered is simply to continue the practice to the uniform ruling of the courts relating to the practice of the Land Department ever since the Government has existed until within the last two years.

Mr. HANSBROUGH. I shall be obliged to object to or to oppose the amendment until the Committee on Public Lands can secure a report from the Interior Department on this subject-matter. I have no doubt that if the Interior Department shall be requested to give us a report, it will send to the committee and to the Senate all the facts which the Senator from Utah refers to, and then we may act upon the proposition intelligently.

I hope the amendment will be voted down.

Mr. RAWLINS. Then I ask that the whole matter go over. Here is a special bill making a grant of an existing reservation, and certainly if an abandoned reservation should not be reserved, an existing reservation should not.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

JAMES H. WATERS.

Mr. CULLOM. I will withhold my request for a few minutes to proceed to the consideration of the Hawaiian bill, for the reason that there is objection to going on with the bill until the Senator from Alabama [Mr. MORGAN] is in his seat.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 28) to remove the charge of desertion from the military record of James H. Waters.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary o War to remove the charge of desertion from the military record of James H. Waters, late of Company D, Sixteenth Regiment Massachusetts Volunteer Infantry, and to grant him an honorable discharge to date the 8th of December, 1862; but that no pay, bounty, or other emolument shall become due or payable by virtue of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL COMMISSIONER FOR INDIAN TERRITORY.

Mr. PLATT of Connecticut. I ask unanimous consent for the present consideration of Senate bill 3018, which is a local bill reported from the Committee on the Judiciary, and there seems to be some necessity for its immediate passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. 3018) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask unanimous consent to call up for present consideration the bill (H. R. 4006) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River. The bill is very urgently required.

Mr. COCKRELL. What is the number on the Calendar?

Mr. PENROSE. It is Order of Business No. 117, a bill reported by the Committee on Commerce by the Senator from Missouri [Mr. VEST], which has already passed the House of Representatives.

The PRESIDENT pro tempore. The bill was heretofore passed over without prejudice.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOOL OF FORESTRY IN NORTH DAKOTA.

Mr. COCKRELL. Regular order, Mr. President.

The PRESIDENT pro tempore. The next bill on the Calendar in regular order will be stated.

The bill (S. 158) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Let a part of the report on that bill be read.

The PRESIDENT pro tempore. The report will be read.

Mr. HANSBROUGH. Yes; let the report be read. I think there will then be no objection to the bill.

The Secretary read from the report submitted by Mr. HANSBROUGH January 30, 1900, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 158) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry, have had the same under consideration, and beg leave to report it back with the recommendation that it do pass.

By the act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States (chap. 180, 25 Stat. L.), there were granted to the State of North Dakota, in addition to other lands, 170,000 acres for apportionment for such other educational and charitable purposes other than those therein named. These lands, by a provision in the constitution of North Dakota, were divided as follows: Twenty thousand acres to the hospital for the insane, 40,000 acres for the Soldiers' Home, 30,000 acres for a blind asylum, 40,000 acres for industrial and school of manual training, 40,000 acres for a scientific school. This exhausted the grant of 170,000 acres and left nothing for the school of forestry, which by the same constitutional provision was to be located at some point in McHenry, Ward, Bottineau, or Rolette counties as might be determined upon by an election to be held for that purpose. At the election held Bottineau, Bottineau County, was selected.

Your committee does not deem it necessary to expatiate on the necessity of the encouragement of schools of forestry and the advantages to be derived from the proper knowledge of tree culture in prairie States, in which the proper planting and cultivation of trees means so much to the development of the country. Much has been done by the Division of Forestry, in the Agricultural Department, and still more can be done by the encouragement of institutions such as that located at Bottineau.

Mr. COCKRELL. I should like to have the Senator make an explanation regarding the first part of this report. It is there stated that—

There were granted to the State of North Dakota, in addition to other lands, 170,000 acres for apportionment for such other educational and charitable purposes other than those therein named.

Then the memorial of the general assembly of North Dakota says:

Whereas the Congress of the United States, in the passage of the enabling act aforesaid, granted to the State of South Dakota 120,000 acres of land for the use and support of an agricultural college in said State.

Mr. HANSBROUGH. That refers to the State of South Dakota. The memorial of the State of North Dakota recites the facts substantially which have been read and are contained in the report of the committee. The 170,000 acres that were appropriated have been divided as stated in that report—40,000 acres to the Soldiers' Home, 30,000 acres to the blind asylum, and so on, leaving nothing for the school of forestry, which is provided for in the constitution of the State.

Mr. GALLINGER. Before this bill is acted upon, I want to call the attention of the Senator from North Dakota to the fact that I am receiving letters—I have one now in my hand, and have had others during the last few weeks—entering very solemn protests against these donations of public lands to the States. These letters come from labor organizations, and I think they reflect the resolution which was passed in Chicago by the Federation of Labor.

I know very little about this matter, as we are not much interested in this subject in New England; but I should like to ask the Senator from North Dakota whether, in his opinion, the objections which are made are well grounded or not; whether there is danger of our continuing to give away the public lands to the detriment, as these men say, of actual settlers and home builders? If that should be the fact, I think it is a bad form of legislation and that we ought to call a halt to it. I do not, however, raise any objection to the bill beyond simply asking for information.

Mr. HANSBROUGH. I doubt if the Federation of Labor, which has communicated with the Senator from New Hampshire on this subject, knows quite as much about the public-land question as those who have had to deal with that subject. I do not believe that the appropriation of these lands for the purpose indicated would injure the public-land policy of this country or be a great detriment to settlers or proposed settlers or intending settlers in any part of the country; on the contrary, I think the establishment of schools of forestry and the planting of trees in the prairie States would greatly enhance the value of the lands which have been taken and those which are yet to be taken. I know that would be so in the case of North Dakota.

Mr. WARREN. Mr. President——

Mr. COCKRELL. If the Senator from Wyoming will permit me, I was reading, when interrupted a moment ago, a clause in the memorial of the general assembly of North Dakota, as follows:

Whereas the Congress of the United States, in the passage of the enabling act aforesaid, granted to the State of South Dakota 120,000 acres of land for the use and support of an agricultural college in said State, and granted to the State of North Dakota for the same purpose only 90,000 acres of land.

Were these 90,000 acres of land in addition to the 170,000 acres, or were they a part of the 170,000 acres? The report says there were 170,000 acres granted to North Dakota, and this memorial says only 90,000.

Mr. HANSBROUGH. I am not responsible for the memorial, but I am responsible for the report of the committee, and the facts contained in the report of the committee have been taken from the record. North Dakota got but 90,000 acres for its agricultural college, while South Dakota got 120,000. The appropriation of 30,000 for a school of forestry in North Dakota would put us on an even footing with South Dakota as to lands granted for agricultural college purposes, although the school of forestry is entirely a separate institution.

Mr. CULLOM. I only want to say a word. I am not familiar with the provisions of this bill——

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WARREN] was recognized before the Senator from Illinois [Mr. CULLOM] rose.

Mr. CULLOM. I beg pardon. I was not aware of that.

Mr. WARREN. If the Senator from Illinois will wait a moment perhaps I may cover the ground he was intending to inquire about, as I had the floor.

Mr. CULLOM. I did not know that.

Mr. WARREN. The Senator from New Hampshire [Mr. GALLINGER] has referred to a letter from the Federation of Labor. I desire to say that I have had such letters, and, in fact, petitions, but they do not refer, in my judgment, to a matter of this kind in even the remotest degree.

Mr. CULLOM. Those I have received, if the Senator will allow me a moment, have been protests against turning over the public lands of the country to the States. Those appealing to me seem to feel that if those lands get into the hands of the States the opportunity for homesteads will have been cut off, and their appeal is that the lands shall be given for homesteads to the people, instead of given to the States or disposed of in any other way.

Mr. WARREN. What the Senator from Illinois has said is true in part, but the communications which I have received referring to this subject refer more particularly to the proposition of leasing all of the public lands or of ceding such lands to the States.

It will be remembered that two Departments of the Government have in their reports recommended the leasing of all public lands. I had occasion recently to look up all these State grants of land, and I found that the grant in North Dakota was less than half the amount which Congress has granted to a State admitted to the Union since North Dakota was admitted. I found in the State which I have the honor in part to represent here that the Government still owns to-day nearly 90 per cent of all the lands within the State.

While the amount stated in this bill under consideration may seem large to a man who has but a garden patch, it is a mere spot on the map compared with the amount of land which still remains in that State. Every donation of land for such a purpose as this is sought to be used for will enhance in value the Government lands which remain two or three or perhaps ten times as much as the value of these donated lands taken from the public domain would be worth. I do not think any other distributions of the land as wisely made as the granting of such comparatively small amounts as these for such purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORY OF HAWAII.

Mr. CULLOM. I ask unanimous consent that the bill relating to the Territory of Hawaii may be taken up.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the Senate proceed to the consideration of the bill named by him. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The question before the Senate is on the amendment submitted by the Senator from Connecticut [Mr. PLATT].

Mr. TELLER. What is the amendment? I think it perhaps should be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend section 81, on page 35, as follows: In line 22, before the word "shall," to strike out "governor" and insert "President;" in line 23, after the word "senate," to strike out "of the Territory of Hawaii;" in line 25, after the word "courts," to insert "and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint;" in line 11, on page 36, after the word "may" and before the word "remove," to insert "by and with the advice and consent of the senate of the Territory of Hawaii;" in line 16, after the word "removed," to strike out:

Except the chief justice and justices of the supreme court, who shall hold office during good behavior, and the judges of the circuit courts, whose terms of office shall be six years, and;

and on page 37, after the word "provided," at the end of line 12, to strike out:

Except the chief justice and associate justices of the supreme court and the judges of the circuit courts, who shall continue in office until their respective offices become vacant;

so that, if amended as proposed, the section would read:

SEC. 81. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioners of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

All persons holding office in the Hawaiian Islands at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such offices become vacant, but not beyond the end of the first session of the senate, unless reappointed as herein provided.

Mr. TELLER. It is rather difficult to understand what all those amendments are as they have been read from the desk.

Mr. CULLOM. Will the Senator allow me to make a suggestion?

Mr. TELLER. Yes.

Mr. CULLOM. I think the substance of the amendments, which are scattered through a page or two, amounts to about this: The present bill reported by the committee provides that the judges of the supreme court and the circuit courts of the Territory shall be appointed by the governor and confirmed by the legislature of the Territory and paid by the Territory. Now, the substance of the proposed amendment is that the judges shall be appointed by the President and confirmed by the Senate of the United States; and I suppose, according to the usual theory, the United States would pay their salaries instead of the Territory of Hawaii.

Mr. MORGAN. And it reduces the term of office to four years.

Mr. CULLOM. Yes; and reduces the term of office to four years of all of the judges. That is the substance of the proposed amendment, as I understand.

Mr. TELLER. The amendment proposing to strike out the word "governor" would at least put the section in harmony with previous legislation. Of course, this is a departure from the old legislation respecting Territories. I must say that I think we ought to be very careful in framing legislation of this character. It occurs to me it would be an improvement on the system to allow the governor to make the appointments, because you would then get a little nearer to the people than you do with the President making them.

The President has, I believe, in all cases, so far as I recollect, appointed the judges of the Territories. Every man who has lived in a Territory for any length of time knows that there have been very gross abuses of that power. I believe it is impossible to give that power to the President without such abuses occurring, for the reason that he is so far away from the people who are to be served by the judges, that there is such a universal desire to get office in this country, and that so many people who succeed in obtaining such places are totally incompetent. I believe it would be better to leave the appointing power to the governor, who, I suppose—I do not know—is to be a citizen of the Territory. I do not know whether there is such a provision in the bill or not; but if it is not there, it ought to be.

Mr. CULLOM. The provision of the bill is simply that the governor shall be a resident, and I suppose that will probably be construed to mean a resident during his term of service.

Mr. PLATT of Connecticut. "Shall reside in."

Mr. CULLOM. "Shall reside in" is the expression.

Mr. TELLER. A man could not very well act as judge in a Territory without residing in the Territory.

Mr. CULLOM. If the Senator will allow me—of course if the appointment is left to the governor of the Territory, I should assume that the governor would select men in the Territory for the places.

Mr. TELLER. There ought to be a provision in this bill that the governor—I know that raises a very ugly question as to whether we can limit the power of the President—but there ought to be a provision, which, I think, if it were in here, would at least be persuasive on the President, if not mandatory, to select the governor from inhabitants of the Territory. I am not clear but what we have a right to do that. The governor ought to be so selected, because in this case there is a different condition existing there from that which has existed in any other Territory we have ever organized.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. SPOONER. I suppose there is no doubt that Congress may prescribe the qualifications of eligibility which may be necessary for the appointee. Congress can not require the President to appoint any particular man or can not dictate to him whom he shall appoint; but I suppose it would be competent for Congress to say that the governor should be a resident of the islands.

Mr. TELLER. I should think so.

Mr. COCKRELL. There is no question about that.

Mr. TELLER. But I have heard that disputed so often that I did not care to bring it up and make the assertion, as I was not prepared to go on and discuss it. At all events, the governor ought to be selected from the people of that Territory, and the judges ought to be selected from the Territory.

As I was saying when interrupted, the condition existing in Hawaii is entirely different from what existed when most of the Territories, in fact, I may say all the Territories, were heretofore organized. The organization of a Territory usually occurs when there are very few people in it, and some Territories have been almost without a population. Here is a stable and established community with a government which has existed for more than fifty years. The people have had the privilege of self-government for several years under a republican administration, and enjoyed a good deal of freedom under a monarchical administration. All of the people there may not be fit for participation in the government; but certainly there is a sufficient number to insure an absolutely safe and stable government, as good as there can be in any of the ordinary communities of no greater number than there are in Hawaii. I believe it will be better to leave that provision just where it is in the bill, and let the President appoint the governor, if that is the policy, although I should like very much better myself to see the provision that the people there should have the right to elect their governor.

I see no difficulty in giving to these people a constitution. That would not create a State. I would let the people of the Hawaiian Islands create their own organic act and arrange their affairs just as they want them.

Here is a people that, if they were in sufficient numbers, we would not hesitate, unless we were frightened at the fact that there was no contiguity between their territory and that of the United States, that they did not touch each other——

Mr. TILLMAN. Will the Senator from Colorado allow me?

Mr. TELLER. Wait a moment until I get through with my sentence.

Unless that was the case, we should be very willing to take in the Territory of Hawaii as a State. I do not know that it will ever be a State; but if there should be two or three hundred thousand people, such a population as we are going to admit to the franchise, I should be in favor of taking them in as a State.

Now I will hear the Senator from South Carolina.

Mr. TILLMAN. I will call the Senator's attention to the first section of this bill, in which the declaration is made:

That the phrase "the laws of Hawaii," as used in this act without qualifying words, shall mean the constitution and laws of the republic of Hawaii.

And that the proposition which the Senator has just made, that they ought to be allowed to make a constitution, is already provided for, except that the constitution which is given them under this act, if we shall pass it, is a constitution in which only about 2,600 men had any part in making; whereas if you want to give a republican government there, one which will embrace within its provisions the will of the people who will be allowed to vote under this bill, then you would have to call a constitutional convention and allow the electors, limited to those who can read and write, to enact a constitution for themselves.

Mr. TELLER. Well, Mr. President, I know the difficulties of those people having such a constitution as we would favor.

Mr. TILLMAN. And yet they are having a constitution.

Mr. TELLER. But to a large extent we are modifying it or repealing it. I should have liked to see a provision here—and that is all we need to have done—to let the people assemble in convention and create a constitution of their own. I should then have been in favor of enlarging the suffrage in that community; but I am very much opposed to restrictions except where they are absolutely necessary.

Mr. MORGAN. I wish to correct the impression of the Senator from South Carolina about the constitution. This bill does not give Hawaii a constitution.

Mr. TELLER. No; I know it does not.

Mr. MORGAN. It wipes it out entirely; and the words to which the Senator from South Carolina refers are merely descriptive words to show the changes made in the statutes of Hawaii.

Mr. TELLER. I was about to say that we have repealed the constitution and almost all the laws, and we are to reenact them here to some extent.

Mr. MORGAN. Yes.

Mr. TELLER. I would not be willing to apply to those people provisions I would be willing to apply to some of the other new possession we have acquired. We acquired those islands in fee by arrangement with the people. We are under some obligations to them that we are not under to some other people, whether it be the people of Puerto Rico or the Philippines. I want to give those people just as much self-control, self-government, control over their affairs as is possible, and I believe it is in our power to give them absolute control over their affairs, if we see fit, except, of course, the general laws that govern States as to import duties, etc., would have to prevail there. For that reason we had better leave this provision in here and let the governor appoint the judges.

I have had some experience in a Territory, and I have seen, with the best of intention on the part of the President, very vicious and bad men appointed to places of that character. Once appointed, we always found it almost impossible to get them out. We might make just as many representations as we chose to the executive department, but the people who had secured their appointments always had more strength than we had, and we suffered immensely. Every Senator here who has lived in a Territory will bear me out. One of the great evils in Territorial life has been that we were not in condition either to designate our men or to get rid of them when they turned out to be bad. Is not that true?

Mr. PLATT of Connecticut. Mr. President, I am not able to-day to speak at any particular length or with any particular vigor, on account of my health, but my reason for thinking it is better that the judges should be appointed by the President of the United States is, I believe, a reason which grows out of my desire that what we do here shall be best for the people of Hawaii. I believe it is much better for the people of those islands that the appointing power of the judges should reside in the President, rather than reside in the governor of the islands. I agree quite with all the Senator from Colorado says, and I suppose there are competent persons there for judges, although my attention has been called to some very remarkable decisions which have been made from time to time by the judges of those courts. But I suppose there are plenty of persons there competent to be judges. The difficulty in Hawaii is this: There is a small governing population and a large population that as time goes on will not like the government of the limited number of people who participate in and who control it.

The people of Hawaii and the people of the United States might as well look ahead a little and see what is coming, for in coming under the American flag there will develop in Hawaii American politics, with all its evils and all its benefits. They have never yet had political parties in Hawaii; that is, among the people who are now to take control of the government and whom it is hoped will maintain and continue their control of that government. They have been one party. They have, of course, been bound together in resisting the monarchy and in establishing a new republic. That binds them together. But when they become a Territory, there will be plenty of politics in that Territory, and among this small class of American citizenship. There will be the rich man in politics in that Territory, seeking to control elections and to control legislatures and to control governors. There will be the adventurer and the ward heeler in politics there, seeking to do the same thing, and as time goes on it will be a miracle practically if those people who are now in control of the government, and who, it is hoped, will continue to control the government, shall succeed in keeping out corruption and keeping out self-seeking and keeping out impure politics.

Now, it is inevitable, Mr. President, that the American citizens there are going to divide politically; that when divided into two parties or more, each wing will seek, by appeals to the Hawaiian citizenship and the Portuguese citizenship, to carry their point; and while no man can set himself up to be a prophet, to my mind the grave danger in Hawaii is to come just in that way. While we admit that the people now in control—President Dole and the judges—are men of high character, the time is coming when the judges, if left to the appointment of a governor there, will not be of the same high character that they are now; and it is because I want to protect the people of Hawaii against themselves and against the class of people who I think will finally get in control of the politics of the islands that I want to retain a little control over the islands in the hands of the President of the United States. I may be entirely mistaken about this, Mr. President, but I hear American citizens from Hawaii now talking about the "Dole gang." They have got that far in Hawaii, at least, in politics. They talk about the party in power and the president and those who sympathize with him as a gang. They have learned some of the political slang of the United States, to say the least. I believe it better for the people of Hawaii, more for their protection, more for their future interest, that they shall have something to rely upon besides themselves.

I would agree with the Senator from Colorado [Mr. TELLER] if that entire citizenship was like the citizenship of the Americans, the Germans, and the English people there. I would then be entirely willing to give them what would amount to practical self-government, retaining only the sovereignty of the United States over them and the ultimate power which we should exercise only under circumstances of the greatest necessity to regulate their affairs. I believe that to be entirely consistent with the doctrine of our Constitution and with the Declaration of Independence. I believe self-government in Hawaii or Puerto Rico or the Philippines, or any other possession which we may acquire, when the people are fitted for it, is entirely consistent with our sovereignty, as consistent with our sovereignty as the exercise of self-government in the States of the Union. There would be no more reason, if the people of Hawaii and Puerto Rico and the Philippines were well fitted to carry on self-government, to say that they are still vassals and subjects than there is now for saying that the people of our States are vassals and subjects. They have to submit to the sovereignty of the United States, and they have in many things to be controlled by the United States Government.

However, I did not rise for the purpose of making any extended remarks, for I am not equal to it to-day, but simply for the purpose of saying that I believe it is better for the people of Hawaii themselves that they shall be protected against the evils which I think are surely coming upon that people. It is a great experiment that they and we are entering upon, and it is well for them and for us that some power should still be retained and reside in the United States Government. If my fears should turn out to be unfounded, if it should turn out in the future that everything was harmonious there, that the citizenship there became homogeneous and harmonious, and that these dangers which I think I can see are only imaginary, it will be time enough then to give them larger power.

But, Mr. President, I want once more to revert to the fact that this bill contemplates that the government of those islands is to be dominated by 4,000 people out of a hundred and fifty thousand, and that it will be almost impossible to continue that state of affairs.

Mr. CULLOM. If the Senator will allow me, I hope that the developments by trial in that Territory will be such that it will not be very long, certainly not many years, before more power can be placed in the hands of the people than the bill proposes, and I shall certainly hope that the time will very soon come when the elective franchise can be granted safely to the great body of the people of that Territory.

Mr. PLATT of Connecticut. It would be very difficult to frame a bill in which more power would be given to the people of that Territory than is given in this bill. Of course, we could allow them to elect their own governor and their own secretary of state, but with that exception this bill gives all the power that can be given to them, and arbitrary power at that.

Mr. CULLOM. I referred more to the voting power, the legislature, and that sort of thing, than to any other point.

Mr. PLATT of Connecticut. If that time shall come, then it will be quite time enough, it seems to me, to extend to them these remarkable and extraordinary powers, such as we have not extended to any people wherever we have organized a Territory.

Now, it is said that this is an entirely different case from the ordinary organization of a Territory; that ordinarily we have organized a Territory over large areas of land, sparsely settled. That is true. It is said that here we have an established government, which has been in existence for three or four years, rescued from the queen and from monarchical institutions. That is true. But Senators overlook the fact that wherever we have organized a Territory heretofore we have organized it with its entire population, whether sparsely occupying the country or not, drawn from the older States of the Union, where they had been in the habit of participating in State governments, where education had reached its highest development. Mr. President, we organized

the Territory of Wyoming a little while ago, and we were told that the proportion of illiteracy in it when we organized it as a Territory was less than in many and perhaps less than in any of the States of the Union.

Mr. CULLOM. The same fact exists with reference to this Territory.

Mr. CAFFERY. Will the Senator from Connecticut allow me?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Louisiana?

Mr. PLATT of Connecticut. I want to say one word in reply to the Senator from Illinois. Nearly half of the population there are Chinamen and Japanese.

Mr. CULLOM. Not of the voters.

Mr. PLATT of Connecticut. Then the observation which the Senator made does not apply to all the people inhabiting the Territory.

Mr. CAFFERY. I will inquire of the Senator from Connecticut whether, if literacy is a qualification for citizenship, the Kanakas, the original inhabitants of Hawaii, are not entitled to the privileges of American citizenship, for I am told, and I think I have seen it stated, that 100 per cent of them can read and write.

Mr. CLARK of Wyoming. Pretty nearly.

Mr. CULLOM. It is true that the records show that so far as the Hawaiian population are concerned, nearly all of them read and write in the Hawaiian or English language.

The PRESIDENT pro tempore. The Senator from Illinois has not been recognized by the Chair.

Mr. CULLOM. Excuse me, Mr. President.

Mr. PLATT of Connecticut. I was answering what had been said, that we could more safely intrust the entire management of affairs to the people of that Territory than we could intrust them to the people of the territory northwest of the Ohio River and the territory acquired from Louisiana, out of which so many States have been made. I do not think so, because, as I say, half that population, practically, are either Chinese or Japanese. If I remember the figures, 26,000 more are Portuguese.

Mr. TILLMAN. I will give the Senator from Connecticut the figures, if he will permit me.

The PRESIDENT pro tempore. The Chair has not recognized the Senator from South Carolina.

Mr. TILLMAN. Will the Senator from Connecticut permit me?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. PLATT of Connecticut. I will.

Mr. TILLMAN. Mr. President, I will take occasion to notify you every time you allow any other Senator to do the same thing. I shall not have one rule apply to me and not have it apply to others.

Mr. CULLOM. Mr. President, if the Chair will recognize me, I was called to order myself a moment ago, and I apologized to the Chair for violating the rule.

Mr. TILLMAN. I am perfectly willing to be called to order if the Chair will apply the rule impartially. I have no objection in the world to abiding by the rules of the Senate, and I will do it and always do it; but in the latitude of debate we have not observed the rule, and I will not allow the Chair, if he will permit me to speak so impudently, to apply one rule to me and to apply another rule to other Senators.

Mr. SPOONER. It is only fair to the Chair to say that in the last month he has repeatedly called attention of Senators to that rule. He has called my attention to it when I have violated it.

Mr. TILLMAN. I am not at all nettled with the Chair. I am rather amused. I think the Chair was rather inclined to have a little fun at my expense, as he did the other day. I have not the slightest ruffling of feeling on that score at all.

Mr. SPOONER. I think every Senator here must see, and that is the theory of the rule, that it is essential to proper debate that the rule shall be enforced.

Mr. TILLMAN. I recognize it and do not dispute it.

Mr. SPOONER. It is necessary to proper order in debate.

Mr. TILLMAN. I do not dispute the necessity of its enforcement in the interest of orderly debate. I simply insist that it shall not apply to me only.

The figures, if the Senator from Connecticut will permit me, taken from the report of the Hawaiian Commission, are: Hawaiians and mixed bloods, 39,000; Japanese, 25,000; Chinese, 21,500; Portuguese, 15,000; Americans, 4,000; British, 2,250; Germans and other Europeans, 2,000; Polynesians and miscellaneous, 1,250, and, as we have repeated evidence, there have been 25,000 additional Japanese contract laborers imported since, so that the total number of Japanese and Chinese would be 71,000, or thereabouts—more than half.

Mr. PLATT of Connecticut. It would be about half.

To resume what I was saying, Mr. President, there is an entirely different condition of population, of citizenship, from that which has ever existed in any Territory which we have ever organized in the United States, and it makes it very much more dangerous to allow absolute control in those islands without any restraint to be exercised from what may be called the home Government of the United States. In the Northwest Territory, and I venture to say in the Territories of Wisconsin and Colorado and Minnesota and Dakota, and all those Territories, when a Territorial government was organized, although there may have been but few people there, they were all of them American citizens who had participated in the privileges and duties and responsibilities of American citizenship. If we thought it was wise to limit them in the power which was committed to their hands, it seems to me, as I said the other day, it is much wiser to retain some power in the hands of the President and Congress where we have such a mixed, and, I fear, dangerous population politically to deal with, and where, it seems to me, the gravest questions are likely to arise.

Mr. President, among those 4,000 American citizens there have grown up a class of wealthy men. They talk about millions out there just as they talk about it in some of the Western States. A man with a million or two is not to be considered a wealthy man at all. There are multi-millionaires in Hawaii, and if there is any truth in what is said about corporate influence controlling legislation, there is the spot for it to be exercised and to control legislation and the courts. If there is any danger in the United States of corporate influence controlling legislatures and the judiciary, that danger is multiplied ten times in Hawaii; and I do think that, with all our experience in the appointment of judges for Territories—some of it has been bad, but upon the whole it has been good—we may safely believe that the judges to be appointed by the President of the United States would be as able men and less likely to be controlled by any improper influences in the islands of Hawaii than if appointed by a governor whom the President should appoint. Are we going to get any better judges by letting the appointing power be diluted through the governor whom the President shall appoint than if the judges are appointed directly by the President himself?

And so, Mr. President, notwithstanding this discussion, I still hold to my belief that it is better for the people of Hawaii that the judges should be appointed by the President, and I think I am permitted to say that that is coming, to some extent at least, to be the prevailing sentiment of the people of Hawaii, if their representatives here truly represent the people there. While at first they thought it best to preserve the judiciary as it was, the appointing power to be in the hands of the governor, and a life term or a long term, in view of these grave questions that are ahead of them, they believe it is better that the power should reside in the President of the United States.

Something was said yesterday to the effect that we must provide for the payment of the salaries of these judges if we appoint them. That is true. And my belief is so strong that it is necessary that this power should be retained in the hands of the President and in the control of Congress that I would be entirely willing to assume on the part of the Government the payment of their salaries and all the expenses of the courts. I have been wondering a little who is going to pay the expenses of this Territory under the pending bill. All that the bill specifically provides is that we shall pay the salaries of the governor and the secretary and the Federal judge, as he is called, and the marshal and the district attorney. I suppose it intends to carry the idea that the people of Hawaii are going to pay all the rest of the expenses of running that Territory. But there is nothing in the bill that provides for it. It is left open. One does not need to be gifted with any great prevision to see that only at the next session of Congress they will come here asking for appropriations to carry on their Territorial government as other Territories are appropriated for.

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Connecticut yield to the Senator from Alabama?

Mr. PLATT of Connecticut. Yes, sir.

Mr. MORGAN. I suggest to the Senator from Connecticut that the tax laws of Hawaii are preserved in this bill.

Mr. PLATT of Connecticut. I was coming to that.

Mr. MORGAN. Various other revenues are provided for; and they are quite ample to sustain the government under the provisions of this bill.

Mr. PLATT of Connecticut. I was coming to that. It will not be many years before they will want to relieve themselves of their local tax laws and the burdens of local taxation and have the Government pay for the Territory of Hawaii the same as they pay for other Territories.

Mr. MORGAN. Will the Senator from Connecticut point out now any ground for that suspicion which he has just expressed?

Mr. PLATT of Connecticut. I think I will. We propose in this bill to make the ports there ports of the United States and extend our customs laws there. We are, therefore, to collect on all goods imported there from foreign ports the same duties that we collect in our home ports. We are to put that in the Treasury of the United States. Then we extend our internal-revenue laws there, and we are going to call upon them to pay all the internal-revenue

taxes which we pay here in the States; and we put that in the Treasury of the United States.

Mr. President, it will not be one year's time, if this Territory is admitted, before we shall be told by the people of Hawaii that it is not fair to appropriate the customs duties which are paid out through custom-houses and the internal-revenue taxes which are collected by an internal-revenue collector stationed there, and put them into our own Treasury, and make them pay all, or practically all, of the expenses of running the government.

Mr. CLARK of Wyoming. Will the Senator from Connecticut allow me to ask him a question?

Mr. PLATT of Connecticut. Certainly.

Mr. CLARK of Wyoming. Would not that be a just contention, in the view of the Senator?

Mr. PLATT of Connecticut. Mr. President, I do not see upon what principle we propose to make the people of Hawaii tax themselves for the support of the government which we give them here and tax them for the support of our Government. I do not see on what principle that is done. There are a great many things in these laws that we do not——

Mr. TILLMAN. Mr. President——

Mr. PLATT of Connecticut. Will the Senator from South Carolina excuse me for a moment? If this bill passes, we are going to have two systems of internal-revenue taxation in Hawaii. Take the part of the bill which repeals the sections in the chapters referred to in the bill; that does not repeal the chapter about stamp duties, and here we have a schedule of stamp duties in Hawaii, the same as we have a schedule of stamp duties under our internal-revenue taxation, and they are both to go side by side in Hawaii.

No, Mr. President, we can not hug to ourselves the delusion that we can make those people pay internal-revenue taxes into our Treasury and turn into our Treasury all the customs duties that are collected there and not expect them to come here to Congress and ask that we should at least appropriate that amount of money toward the support of their Territory, that we should at least relieve them from the burdens of taxation to that extent. So I think this question that we shall have to provide for the salaries of the judges, if they are appointed by the President, and for the expenses of the courts need not alarm us at all.

Mr. TILLMAN. Mr. President, I should like to ask the Senator from Connecticut before he takes his seat, as he has been discussing that phase of the subject, whether or not the Federal relations, so to speak, between Hawaii and the United States are any different from those which exist between the United States and South Carolina other than that one is a Territory and the other is a State? Is it not a fact that we send the mail to those people and distribute it at the expense of the Federal Government through postage stamps?

Mr. PLATT of Connecticut. No; as I understand——

Mr. TILLMAN. Do they have their own individual postal laws?

Mr. PLATT of Connecticut. I understand that they do and that those laws are recognized in this bill.

Mr. CULLOM. Their postal system passes under the United States laws, if the Senator will excuse me.

Mr. TILLMAN. Then, with the permission of the Senator from Connecticut—or, rather, I believe I have the floor—I would ask, is Hawaii in the United States or is it not; and if not, why not?

Mr. CULLOM. It will be when this bill passes.

Mr. TILLMAN. If it was in the United States when we annexed it by joint resolution and extended the Constitution over it, and if it has a postal system of its own and is going to have a revenue-tax system of its own, why did we bother with it anyway?

But, to come back down to the other question, I want to ask the Senator if there is not a very considerable expense by the Federal Government which has not been broached here, and that is the maintenance of a military post there for the protection of this little handful of 7,000 white men against the Chinese, Japanese, Portuguese, and Kanakas, and others who are dissatisfied with the government now given them?

Mr. PLATT of Connecticut. I do not know about that, Mr. President.

Mr. TILLMAN. I think the Senator can very easily refresh his memory, if he will, by finding out that our troops were there before we annexed the islands, and are there now, and will be there and are likely to be there for all time.

Mr. PLATT of Connecticut. There is nothing in the bill about it.

Mr. TILLMAN. There is nothing in the bill about it, of course, but it is a Federal expenditure. We are spending money to maintain those soldiers there for the protection of life and property. I do not believe in the principle of having people taxed and having the money spent elsewhere, because that is the kind of a thing that has been going on in my part of the country so long that we have got used to it and quit crying or complaining.

Take the expenditures of the Federal Government at an average of $500,000,000 a year, make all due allowances for our poverty and other things, and we pay at least $100,000,000 of that amount. How much is spent among us? This subject is entirely foreign to the subject of debate, but then, if Hawaii is to have a special claim upon the little amount of Federal taxation of imports and revenue stamps and other sources of Federal income there, and we are to give it to her, I want to ask you upon what basis of equality or equity or justice you would attempt to do it?

The Senator, of course, knows that he has merely presented a supposititious question as to what is coming, and is arguing against allowing the Hawaiian people to be turned over to the oligarchy which we all acknowledge exists there and which is being perpetuated by this bill. We seek to give some measure of protection by supreme judges and other judges appointed by the President, supposed to be an impartial man, who wants to have good, clean, honest judges, and not put those judges in the power of the governor, even though the governor be appointed by the President, and let the governor be the head, the judges his tools and underlings, obliged to obey his orders or they will not be reappointed, and the whole machine to be an autocracy greater than that of Russia. I sympathize with the Senator from Connecticut in the effort to protect these people from any such deplorable condition as that.

Now, Mr. President, as I have the floor, I will go on to take up some other phases of the subject, because while I did not intend to speak on this bill, and have not given the subject any great amount of examination, and have contented myself with an occasional inquiry or a suggestion as I sat in my seat here and listened to the debate and the amendments that have been offered, I have felt so indignant at the treatment I received the other afternoon from the Senator from Alabama [Mr. MORGAN] that I have investigated it a little more fully, and I want to point out some of the enormities and outrages that are being perpetrated in this very act, or have been attempted to be perpetrated, and to call the attention of the Senate to certain phases of the question that no one has alluded to heretofore.

Before I leave that question, the Senator from Alabama——

Mr. MORGAN. I wish to say——

Mr. TILLMAN. Mr. President, I decline to yield to the Senator from Alabama. He has put himself outside of the pale of courtesy so far as I am concerned. He can take all the time he pleases after I get through. I will say further, as an explanation of that to those who were not present, that the reason why I feel thus is that it is the second time since I have been a member of this body that I have been treated with indignity and discourtesy and rudeness by the Senator. While he is an old and honored member here, and a man who is worthy of our admiration in a great many respects, I contend that he has not been as courteous and observant as he should have been of the amenities of debate and the politeness due from one member of this body to another.

Now, the reason why I say this is because the other afternoon, in a perfectly good spirit, without any malice against anyone, merely for the purpose of inquiry and enlightenment, to get the subject fairly before the Senate, I asked the Senator some questions and—well, he waved me aside with a kind of a sneer that that was about all I knew concerning it, and that I knew so little about it I was not worthy of consideration. Then later on he permitted the Senator from Colorado [Mr. WOLCOTT] to "make a suggestion," in which there was an assault—a direct, positive assault—upon my State. Very naturally, I rose after the Senator from Colorado got through and asked permission to explain—simply to explain. What was the action of the Senator from Alabama? He simply said, "No; I can not permit it; take some other time." It is the first time since I have been here that any man's State has ever been mentioned by anyone in an opprobrious way, that a refusal was made to allow him, then and there on the spot, and let it go in the RECORD alongside of the accusation or attack, to clear up or explain, if he asked permission to have it done.

The attack of the Senator from Colorado was that the vote in my State was suppressed, and he read figures from the Congressional Directory going to show that the vote in the last State election for Congressmen was some 28,000 for seven Congressmen. The same would apply to the State of Alabama; to almost every other Southern State similarly situated to mine. It applies to Mississippi. It was not new. It had been brought up in debate on the PRITCHARD resolution, and the Senator from Mississippi [Mr. MONEY] explained it in regard to his State. I wanted only three minutes to give some explanation here. I was denied it. No Republican would have denied it to me, because there is no man on the other side so lacking in courtesy and fairness and decency as to have permitted a State to be attacked in his time and then refuse to allow its Senator here to defend it.

In that connection, Mr. President, I will carry out my purpose and show now and here why the vote in South Carolina is so small at the legal election in November. Under our new constitution, in which the suffrage is based on an educational qualification, enlarged to illiterates by the payment of taxes on $300, we have about 114,000 registered voters. In other words, a man who

can read and write or pays taxes on $300 worth of property is allowed to vote. There are in the State some fourteen or fifteen thousand colored voters registered. Of the balance of the vote, white, 97 per cent is Democratic.

Mr. CLARK of Wyoming. What is the total vote?

Mr. TILLMAN. The total registered vote is 114,000 or 115,000. I say 97 per cent of the white vote is Democratic. Well, now, at our Democratic primaries, protected by law for the nomination of the party candidates, held in the summer, at least 90 per cent of that vote turns out, and there is great interest and excitement, as some of you have heard in the papers in the campaigns in which I have been interested down there for governor and Senator. There is no lethargy there in politics, there being as much politics to the square mile as in any other State in the Union. But there has been no organized Republican party in the State since 1884. The Republicans do not hold any State convention; they do not nominate any candidates for governor and other State officers. In one Congressional district they did so up to the period when the last constitution was inaugurated, in 1895, in what is known as the black district, where we strung the negroes together for the purpose of giving them one district, and then we turned around and took it away from them, having the usual greed of the Anglo-Saxon and his unwillingness to allow the colored race to dominate him or have any influence in government, just as you gentlemen now propose to do for Hawaii.

I said there were no Republican nominations except for Congressmen in the black district. The Republican machine is composed of those who are appointed by the Republican President to the post-offices and the Federal positions—the marshal, and so forth, the collector of the port, and the district attorney. They control the patronage. They send delegates to the national convention for the Republican party. It is as rotten a borough as any other State in the Union so far as Republican influence is concerned, because there is no hope, no possibility, of any electoral vote for any Republican candidate in South Carolina.

Well, with no candidates opposing our Democratic nominees at the legal elections in November, being merely a ratification of the primary elections or nomination in August, what object is there for men to turn out and vote? They simply do not do it. Therefore three or four thousand or four or five thousand in a Congressional district go to the polls in November and ratify the action of the party in August.

The Senator from Colorado [Mr. WOLCOTT] I see is absent from the Chamber. I think if he had known all the circumstances of the debate he would not have waltzed into it in the way he did. His State in the last election in one Congressional district polled fifty-odd thousand and the other polled 80,000. Everybody knows why that is. It is simply because women in Colorado vote.

On the question of suppression, as indicated by the paucity of the vote, I will quote some figures used by the Senator from Mississippi [Mr. MONEY] in regard to Massachusetts and Connecticut to show that it is not always necessary to have any statute law or any illegality or any infamous proceedings in elections to cause a small vote.

In 1890 the State of Massachusetts, which has an educational qualification the same as my State, polled 285,000 votes. What is the total voting population of Massachusetts? Six hundred and sixty-five thousand. In Connecticut the same year the vote was 125,000, out of a total vote of 224,000. Nobody will contend that the vote of Massachusetts was suppressed; that there was interference with anybody. I presume that the Republicans had a full swing there, as they have almost always had, except when an occasional uprising of the people took place. The party felt that the ticket was safe, and enough Republicans went out, seeing that the Democrats were not active and were taking no interest, and voted to save the ticket and elected it. The Democrats feeling no interest in the election, knowing they could not carry it, remained at home. Nearly 400,000 voters in Massachusetts did not turn out.

Why not allow other people to have the same rights and exercise them when you are indifferent in politics? Why accuse us of the South always of suppressing and oppressing the colored race? We do enough of it; I do not dispute it; but we are not doing in my State half the devilment, never have done half the devilment, that is proposed to be done in this Hawaiian law that you are now enacting.

You said in 1867 and 1868, when you passed the constitutional amendments, that involuntary servitude in the United States and all the Territories thereof should cease, or in any territory under its dominion. You know since and you knew it when you annexed Hawaii that there were 20,000 contract slaves there who were whipped when they refused to work and were driven to their work under the lash. What did you do? Did you put in a provision in the resolution of annexation annulling those contracts and protecting those people? No.

Now what do you propose to do, or, rather, what did this committee propose to do? The bill has been amended, but we have got to take it as the committee sent it here, as showing the latter-day Republican policy. Here is the way they brought it in. Here is the provision for which the committee stands sponsor and is responsible as far as its action goes. Any amendment or assistance or benefit to those people that will come from legislation will come from the Senate itself as proposed by the amendment of the Senator from Massachusetts. Here is the provision of the bill:

SEC. 10. That all obligations, contracts, rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if this act had not been passed.

In another section we repeal the provision of the Hawaiian constitution and all the Hawaiian enactments or statutes which allow punishment of those contract laborers by imprisonment and whipping, and then turn around and say that all existing contracts must be fulfilled, and that the law, so far as they are concerned, must continue in effect. It is to give three or five more years of slave labor to the sugar corporations which are behind this bill, which were behind the annexation resolution, and which have sent their sugar in here until we have remitted duties to the amount of $80,000,000.

And then you get up and attack South Carolina because her vote is small! What kind of a vote do you propose to give those people? The proposition here is to limit the vote to those who can read and write. I have no objection to that; we are doing it ourselves; but you go forward and say that Senators shall not be voted for by any man who does not own a thousand dollars' worth of property, whereas our provision is that if you own $300 worth and do not read and write you have the right to vote.

I sympathize with the little oligarchy in Hawaii in a way, the 4,000 white men or white women, with young men and children, Americans, 7,000 all told. I do not want them massacred. I do not want them put under the domination of the Kanakas. They are not going to be. If you were to let them loose, they would hire enough or control enough of votes, buy enough of votes, if necessary, as is being done in some of the Southern States, to elect their government; or they would cheat them, as we used to do. What I object to, gentlemen, is the hypocrisy of those in this Chamber who stand up here and contend and contend and contend that the South must be treated differently from those people; that the colored race must be differently treated in the Philippine Islands, Hawaii, and Puerto Rico from what they are treated in our States of Mississippi, Louisiana, Texas, Alabama, and South Carolina.

If it is good to have white supremacy in the Hawaiian Islands, why is it not in my State? We are Americans, gentlemen. The white people in that State are almost wholly descendants of men who fought in the Revolution. There are but 9,000 foreign-born citizens in it; and if we are backward and old-fogyish in some things, we love liberty as well as you do. We know the inherent superiority of the Anglo-Saxon, and when we were forced by the Federal Government to submit to the oppressions of a majority of colored people, ex-slaves, from 1868 to 1876, when life had become not worth living on the terms you were giving it to us, we all rose in our manhood and, in spite of Grant and his army, we took the government away from those people. We have held it ever since, and we will hold it for all time.

I do not object to those white men in Hawaii being protected, but do not protect them with hypocrisy and cant. Be men! Stand up! Come out and say why you do this thing.

This provision in the bill providing for contract laborers—that is, for the contracts with contract laborers being carried out—has been amended. The Senate has endeavored, I believe, to keep that provision from being enacted by the amendment of the Senator from Massachusetts; but you still have all these judges appointed by the governor, with the governor recommended by the sugar planters to the President, with no means of communication between that country and this, with the large number of Americans over there who are not worth a thousand dollars and therefore can not vote for a senator, with the provisions of this bill looking to the perpetuation of the rule of wealth without regard to the old slogan of the Republican party, manhood suffrage, God, and morality, and brotherhood of man, and all of that old stuff which you believed in once and fought for, but which you now repudiate.

Why do you not come out like men and say so if you have changed your position, if you no longer regard the colored races with the affection you once had for them, if you make no move looking to the protection of them in Hawaii or in Puerto Rico? Poor Puerto Rico is not provided for in this bill. We will come to that when the bill comes over from the House, if it ever gets over; therefore I will not expatiate on that. But what I am contending for here is that you ought not, as decent men, as Christian men, as self-respecting men, to lend your assistance and your votes to any scheme of government which in its essence is a military despotism supported by the Army of the United States and the maintenance of an oligarchy of a few thousand or a few hundred rich men manipulating and controlling the rest.

Here is a letter which the Senator from Idaho [Mr. HEITFELD]

handed me a moment ago, dated Honolulu, January 26, 1900, which I will read for the information of the Senate:

Hon. HENRY HEITFELD:

DEAR SIR: Yours of January 8 was received two or three days since. Also received the copy of the Cullom bill, for which I thank you. As to suggestions, the most important one I can make is that the immigration laws should go into effect at once on the signature of the President. If that is put off until the 4th of July, this government, which has imported between 20,000 and 30,000 Japanese laborers into these islands since the American flag was raised over them, will import as many as they can in the interim.

While the black plague is here, brought from China and Japan, while millions of dollars of property have been destroyed by fire to eradicate the plague, several thousand Japanese laborers have been landed on these islands. There are many, many Americans here who object to this importation of Asiatics; but woe to him who has the temerity to do it openly! The sugar interests are as vindictive and relentless as a head hunter of Borneo. I think the supreme court justices should be appointed by the President rather than by the governor; then we might have some varied interests here.

I do not think it best to put the legislature under the thumb of the judiciary by giving the supreme court the right to determine who are the representatives and senators.

The Senator from Wisconsin has had that amended out of the bill.

Finally, I most earnestly entreat you, Senator, to give the Fairbanks bill, extending the labor and immigration laws of the United States immediately to Hawaii, your earnest support.

Mr. CLARK of Wyoming. Whom is the letter from? Will the Senator tell us?

Mr. TILLMAN. Did you hear it say, "Woe to him who has the temerity to do it openly?"

Mr. CLARK of Wyoming. This is the Senate of the United States, Mr. President——

Mr. TILLMAN. It was the Senator from Idaho [Mr. HEITFELD] who told me that the writer was a responsible man, and that he was a truthful man, but I would not undertake to give his name here without his consent.

Mr. CLARK of Wyoming. I do not know why the name should not be given when a charge of that kind is made.

Mr. TILLMAN. Are we going to send an investigating committee out there to see that the oligarchy of wealth there is put down and that justice is done to the American immigrant?

Mr. CLARK of Wyoming. May I be allowed a question?

Mr. TILLMAN. Certainly.

Mr. CLARK of Wyoming. I want to say to the Senator from South Carolina that I am thoroughly in sympathy with him on the proposition of appointing the judges by the President; neither can I be charged with being extra friendly to that portion of the population over there which the Senator condemns; but I think it is unwise, I think it is not right, that a charge of that sort should be made in the Senate of the United States against any reputable body of citizens without having the source of the charge made known.

Mr. TILLMAN. I will consult with the gentleman who gave me the letter. If the writer were from my State, I would give his name without asking his permission.

But, at all events, you see that this gentleman has pointed out the very ulcers and sores of tyranny, which we ourselves have seen and have eliminated from this "perfect bill," this paragon of legislative excellence, which has been brought in by the Committee on Foreign Relations in relation to a government which the Senator from Alabama [Mr. MORGAN] has praised so highly as being a perfect government, the best government under the sun, almost; a government that is equal to that of any of the American States, and all that sort of thing. That government is to rest, first, on the appointment of a governor by the President, of a native or a resident; and, secondly, that governor is given all the judiciary, to be under his thumb and control and influence, if this bill goes through. The lower legislative branch of the government is to be elected by those who can read and write; and as to the senate, by those who have $1,000, and to be voted for by nobody who has not a thousand dollars. Therefore, the wealthy classes in the Territory are to control its destinies; the "governing classes," as some Senator said the other day—a new phrase in America, by the way—"the governing classes!"

Mr. HOAR. Just as you have a governing race.

Mr. TILLMAN. We have a governing race just as you would have in Massachusetts if you had 750,000 negroes and only 500,000 white men. [Laughter.] I do not deny, and never have denied, that the white people in South Carolina control the State and intend to continue the control of it. We have a God-given right to control it; and when our civilization was in jeopardy we rose and took the control, as I said a while ago.

Mr. HEITFELD entered the Chamber.

Mr. TILLMAN. I will say to the Senator from Idaho [Mr. HEITFELD] that I have read this letter with his permission, and the Senator from Wyoming [Mr. CLARK] called my attention to the fact that I did not give the name of the gentleman who wrote the letter. I told that Senator I had no authority to give the name of that gentleman, and that I would refer him to you. The writer himself says that a man who dares openly to oppose the sugar barons out there and the corporations and their officers who control the sugar plantations is in jeopardy of his life. The Senator from Idaho can give the name if he desires to do so, but I am not at liberty to do it.

Mr. HEITFELD. Judging from the letter, I am satisfied the gentleman who wrote it does not want his name to be known. I will say, however, that I knew this gentleman in Idaho several years ago, when he was in the Government service—an entirely reliable man. I should like to give his name, but I do not know that, under the circumstances, I have a right to do so. I will give the name to the Senator from Wyoming privately, if he so desires.

Mr. TILLMAN. If the Senator from Wyoming will move for a Senatorial investigating committee, or a joint committee, to go out there and investigate the devilment that has been going on, and is going on now, and will continue to go on after we have passed this bill——

Mr. CLARK of Wyoming. I will say to the Senator from South Carolina that I do not need any investigating committee. I have been there myself.

Mr. TILLMAN. Then, will you get up and testify in your own behalf as to what the conditions there are? I notice that you have been endeavoring to liberalize this bill and protect the people there.

Mr. CLARK of Wyoming. If the Senator ever gets through, I will make my statement.

Mr. TILLMAN. Well, that is a left-handed compliment that I do not think comes with any good grace from the Senator.

Mr. CLARK of Wyoming. I have taken very little time of the Senate.

Mr. TILLMAN. The Senator is not in the habit of making long-winded speeches, and he does not bother us much with speeches of any kind; but those which he makes are always lucid and forceful, and I always listen to them with instruction. I maintain, however, that I never tire the Senate. I never speak unless I have got something to say; and when I get through saying it I stop. [Laughter.]

I only point out this in this long, rambling speech, which is cut into so many parts that it has not any logical connection or force, and what I wish to say is that this bill enacts and reenacts certain laws from the statute book of Hawaii, which none of us know anything about, and it repeals other laws of Hawaii which none of us know anything about. We are legislating in the dark and upon the good faith of the committee that they would not mislead us. You have seen that committee bring in a proposition looking to the carrying out of contracts made since the islands were annexed and leaving laws in force regarding these existing contracts. That is the reason there was a necessity to rush in and get 25,000 slaves in there, so as to be able to "wallop" their yellow negroes and drive them to the sugar fields. Perhaps some Senator would dispute the proposition as to the walloping, but here is the testimony before the committee as to the method pursued, from which I will read, as follows:

Q. Suppose a "contract" laborer is idling in the field, what do you do?

A. We dock him; we give him only one-half or three-quarters of a day, and if he keeps it up we resort to the law and have him arrested for refusing to work.

Q. What do you accomplish by putting him in jail?

A. For the first offense he is ordered back to work, and he has to (eventually) pay the cost of court. If he refuses to obey orders, he is arrested again and a light fine is inflicted, which the planter can pay and take it out of his pay, or else he is put on the road to work. For the third offense he is likely to get three months' imprisonment.

Imprisonment with hard labor in the penitentiary, and liable to be whipped if he does not obey the orders of the warden. We whip them in our penitentiary, and you whip them in yours; and you whip them when they are imprisoned for crime and will not obey orders. The crime here is that the laborer comes from Japan or from China under contract, and he gets tired after a while and wants to get away and get into the United States—the glorious and blessed country where the thirteenth, fourteenth, and fifteenth amendments are supposed to protect the colored man—with the result I have indicated. Then, since we annexed those islands they have imported 25,000 more of these contract laborers, and the committee propose to allow them to be made to carry out their contracts.

Another phase of this question I do not understand, but which perhaps the Senator from Alabama [Mr. MORGAN] or the Senator from Illinois [Mr. CULLOM] will enlighten me upon, is that there is some mention made in some of the documents I have read of the obligation on the part of the Hawaiian government to the Japanese Government to pay the contract price of those laborers before they are brought away; and there is an obligation on the part of the Hawaiian government to see that the obligation made by the contract laborer in Japan is carried out, and that he receives his compensation. I do not know whether any such provision of law as that exists or not, but if it does, it simply means that the republic of Hawaii originally, and the Territory of Hawaii now, unless we by legislation prevent it—I can not get any consecutive idea about this bill, and it would take seventeen Philadelphia

lawyers to tell what it means in the way we have fixed it and what its effect will be—but, as I have said, unless we prevent the judicial tribunal to so interpret the law, and unless we prohibit such contracts, and unless we emancipate those contract laborers, they will be forced to carry out their contracts, and there is no hope for them outside of this Capitol.

I asked the Senator from Massachusetts [Mr. HOAR] this morning, a man who I know abhors this whole scheme, as I do, to have this bill reprinted with all the amendments in it before a vote is taken, and then Senators should take it and study it carefully. I fear some way will be found, some loophole through the judiciary to be appointed by that governor, by which they could enforce those contracts by some annulment of the provisions which have been put in here. It will certainly be done if we are not careful.

Mr. President, I have very little more to say. As I have tried to say a half dozen times in the Senate, I sympathize with the white people in Hawaii. I believe it is the only race there capable of self-government. I know that through their instrumentality the islands have been lifted up, at least they have been made more wealth producing and that conditions are better for the few who are now there than they were formerly.

Is there any provision here by which any American who will want to go there and engage in the cultivation of coffee, or some other product which would promise him more remuneration for his labor than he now obtains, is invited there? Is that a country which immigrants will seek? Is there any inducement for a man to go there to get a living where he has got to show that he owns a thousand dollars in clean cash or in property before he can participate in the Government in any effectual way? Is that American? Is it republican?

I am going to propose at the proper time—and I inquire of the Chair if there is an amendment now pending?

The PRESIDING OFFICER. There is a pending amendment, offered by the Senator from Connecticut [Mr. PLATT].

Mr. TILLMAN. I am going to propose, at the proper time, to put you gentlemen on your mettle, so that the Senator from Colorado [Mr. WOLCOTT], who is so solicitous about the suppression of the negro vote in South Carolina can go upon record, that we incorporate as the suffrage provision of the Hawaiian Islands the constitution of South Carolina to-day; and I dare you to vote for it, and I dare you not to vote for it. [Laughter.]

Mr. CLARK of Wyoming. I regret, Mr. President, that the attack on the Senator from Colorado [Mr. WOLCOTT] is made in his absence.

Mr. TILLMAN. I notified him that I was going to reply to his speech. He caused the attack.

Mr. CLARK of Wyoming. The Senator from Colorado will undoubtedly be able, at the proper time, to take care of himself.

Mr. President, I am in sympathy with the Senator from South Carolina on the pending amendment; but it seems to me that when he charges the Republican party with hypocrisy in this bill because of his solicitude for the natives of the Hawaiian Islands it comes with very bad grace from a Senator who, in the same speech, declares that, by the Eternal God, the vote of South Carolina never shall be cast as it was registered.

Mr. TILLMAN. I have never declared anything of that kind.

Mr. CLARK of Wyoming. The Senator declared that the white population of the South would always control that portion of the country.

Mr. TILLMAN. My language is capable of no such interpretation. I declared that our registered vote numbers to-day 114,000 under the Constitution, and I now declare that those voters are as free to go to the polls and register and have their votes counted and have an honest return as is the case anywhere else in the United States.

Mr. CLARK of Wyoming. Will the Senator from South Carolina declare on this floor to-day that every method has not been used, and is not now being used, to disfranchise the colored people of the South?

Mr. TILLMAN. I know nothing about other States; but I acknowledge openly and boldly in the sight of God that we did our level best to keep every negro in our State from voting. [Laughter.]

Mr. CLARK of Wyoming. So when the Senator charges the Republican party with hypocrisy, I ask him to first sweep his own doorstep. I did not intend to say anything of this character when I rose, but I am in sympathy with this amendment. I believe, as I said a few days ago, that the Hawaiian Islands should be accorded the fullest possible measure of self-government consistent with our institutions.

I do not believe there is any crying desire on the part of the people of the Hawaiian Islands for anything more than our Territorial form of government. Neither the Senator from South Carolina nor anybody else can accuse me of being especially interested in what he calls "the gang" or "the family compact." In fact, Mr. President, perhaps I am a little outside of their good will, because I have been much more interested in the people, in the inhabitants of the islands, than I have been in those who control; but yet it will not do for any Senator of the United States, without information, upon mere hearsay, to rise in his place in the Senate of the United States and assail the government which now exists.

If there is anything in the Hawaiian Islands to-day which tends toward civilization, if there is anything in the islands of Hawaii to-day which tends toward republican institutions, if there is anything in the Hawaiian Islands to-day which tends toward education and good government, it can all be laid to the hands of those men from New England who, nearly one hundred years ago, went to those islands to spread the gospel of Christ and civilize them. The same character of men are in control of affairs there to-day. I do not agree with the system they have inaugurated there. I am in sympathy with the Senator from South Carolina in many particulars.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. CLARK of Wyoming. Certainly.

Mr. TILLMAN. These missionaries, these God-fearing men, these Christians, inaugurated and have practiced for years this contract-labor system. Was that right?

Mr. CLARK of Wyoming. I am not here to defend that.

Mr. TILLMAN. Was that in accordance with Republican theories and doctrines and provisions?

Mr. CLARK of Wyoming. I am not here to defend any contract-labor system. The Senator can not put me in that position.

Mr. TILLMAN. Whenever you defend the government of Hawaii as such a high and noble type of government, you must shoulder the responsibility of defending all the acts of that government or else pick out of the category those which you do not defend.

Mr. CLARK of Wyoming. When the Senator gets through with his bulldozing methods, I will proceed.

Mr. TILLMAN. I shall not interrupt the Senator any further.

Mr. CLARK of Wyoming. I said whatever there was of Christianity in those islands, whatever there was of good government in those islands, whatever there was of republicanism in those islands, was due to the efforts of the men who went there from New England one hundred years ago; and the Senator himself knows it.

Mr. TILLMAN. Yes; I know it.

Mr. CLARK of Wyoming. Their whole system is not perfect; but the Senator can not put me in the attitude of defending contract labor when he knows my position on this bill; when he knows I am antagonizing my own committee on this bill, he can not do it, and I will not allow it, Mr. President; but I say it is not in the mouth of any man to rise up and condemn those people on imperfect information.

Mr. FORAKER. The Senator having made the remark that he had been antagonizing his own committee in regard to the question of contract labor, does he mean to have it inferred from that that the Committee on Foreign Relations favor contract labor?

Mr. CLARK of Wyoming. I did not speak of contract labor especially. I spoke of various amendments which I had offered to the bill and which were submitted to the Committee on Foreign Relations.

Mr. FORAKER. Certainly nothing should be more distinctly understood, for such is the fact, than that it was the purpose of the committee in reporting the bill—at least I so understood it—to cut off contract labor; and we made an effort to have the bill passed on that ground at the last session of Congress.

Mr. CLARK of Wyoming. The Senator is perfectly right on that point. I was speaking of offering amendments to the bill when it was being considered by a committee of which I am a member.

Mr. FORAKER. The Senator used the expression in connection with contract labor, and I thought he might be misunderstood.

Mr. CLARK of Wyoming. I did not intend to do anything of that kind, of course.

But, Mr. President, to get to the point of the amendment which is now under consideration, it is whether or not the governor of this proposed Territory of Hawaii shall appoint the judges of the circuit and supreme courts, or whether those appointments shall be vested in the President of the United States, as has been the case with all our other Territories.

We have provided in this bill that the governor of the Territory shall be appointed by the President. Nobody, as I said to the Senator from South Carolina, can accuse me of being more than friendly toward the present government of Hawaii; nobody can accuse me of being inimical to the native population of Hawaii. I want those people to have the largest amount of local self-government possible. I do not believe that they should be granted

any greater powers, local conditions excepted, than have been granted to the Territories of the United States when they were made Territories.

It is true, as the Senator from Colorado [Mr. TELLER] said, the people of the Territories often have suffered injustice by the appointments of the President; but that is a matter of ancient history; it has not occurred since 1888, when, in both political platforms, notice was served that the people of the Territories, so far as possible, wanted the appointments made from their own citizenship; and the appointments have generally been so made.

I believe it would be a dangerous departure to grant to any governor of any Territory the right to appoint the members of the supreme and inferior benches. They already, under the general organic act of the Territories of the United States, have the right to appoint all the State officials, save only the secretary of state, the power remaining in the President to appoint the governor, the secretary of state, and the judges of the courts. I do not believe there is any cause at this time to depart from that custom. The governor appoints the attorney-general, the auditor, the treasurer, the superintendent of public instruction, the various boards of charitable institutions, and other boards which are necessary in a Territorial government. I think we ought to leave in the discretion of the President the appointment of these high judicial officers.

There is no one who has a higher opinion than I have of the present supreme bench of the islands of Hawaii. Some of its members are known to many of the Senators here. There is no one who has a higher opinion than I have of the circuit judges of Hawaii. I know all of them. They have a bar at Honolulu and Hilo which would do credit to any cities of like size in the United States; and there is no question but that from the bar of that Territory the President, in his discretion and in his wisdom, can find men to fill these important offices.

Mr. President, I am not interested in this matter, except that I want to see the best thing done for the people of those islands. Anyone who travels over them from north to south and from east to west can not but feel his heart go out for their welfare. There is not one who travels in those islands but who knows that it has been not only the passing of a kingdom, but that it is the passing of a race. The Kanaka will not exist on this globe of ours very long.

So I say, Mr. President, I am only impelled by the good, or what I think will be the good of those islands when I rise in my place. There is no general demand over there that anything but a Territorial form of government shall exist. What they fear is something less. They fear the colonial form of government, to which my friend from South Carolina is, perhaps, so justly opposed.

If we give, then, to the Hawaiian Islands a Territorial form of government, with the privileges we have in the Territories, the people there will be perfectly content, they will be perfectly satisfied, they will have good-will toward the American Republic; and when you say they are opposed to annexation, it is a mistake, except when they confuse the word "annexation" with the word "tyranny."

Mr. TELLER. The Senator from Connecticut [Mr. PLATT] says that his interest in this bill is the interest he feels in the people of Hawaii. I suppose that is the interest of all of us. If the Senator can make it appear that the people of Hawaii want the President to make the appointments, I believe I should be willing that such should be done; or if he can show that there would be any advantage to the people of Hawaii, then I certainly should be for it. I very much doubt, however, whether the people would not prefer to have a man living in their midst—their governor—to make these appointments. I think that would insure the appointment of officials who would be residents and inhabitants of the islands. I am not sure that that can be done unless we put into the bill some provision which will compel it.

The President, if authorized to make these appointments, would be likely to make them, as he has been always making them. I do not speak of the present President, but as our Presidents have been making them for the last forty or fifty years. My acquaintance with this system of appointments began in 1861. I do not care now about going over and designating; but we never got proper appointments until we secured a Delegate in Congress, who had force enough to insist that the selection should be made from our own people. When we did that, we had in the Territory good judges.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. The President by this bill appoints the governor. Now, is he not just as likely to appoint a governor who would not make good selections of judges as he would be to make a bad selection of judges himself?

Mr. TELLER. The governor has to live with these people, whether he is appointed from Connecticut or Hawaii. He has got to be surrounded by these people, who will complain to him. When we had bad judges, vicious judges, judges who took bribes, judges who were ignorant of the law, judges who were immoral and indecent in their intercourse with their fellow-men of the Territory—and we had some who would come under that description—the trouble was that they did not feel that they had any connection with us. They knew that they had people in the East who had secured their appointments and who would stand back of them, no matter what we said. If you are to send a man who is to live there, and particularly if you take a man who does live there, which I should think the President would do, for I should consider it almost criminal if he did not, without any reference to what the statute might be upon the subject of their vocation and residence—if he will do that he will select as judges men who have the confidence of the people—and as there is provision that they may be removed when just such conditions arise, if they do, as did arise in many of the Territories, he would see that they were removed.

It seems to me this debate proceeds upon entirely false premises. There is not a condition there such as the Senator from Connecticut seems to suppose. There is no danger of that government being destroyed. There is quite a large Kanaka vote, or native vote, I will say. I know something about those people. We had them in the West at a very early day. They disappeared after a few years. They are a gentle, decent, well-behaved people. They belong to a race that was once very numerous in those seas, a race that has disappeared practically, a race that can not stand the civilization of and contact with the Anglo-Saxon. The Senator from Wyoming undoubtedly tells the truth when he says they will disappear. It is a disappearing race.

I do not believe it is possible, by anything we can do, to preserve the race, but while they live they are entitled to the utmost consideration. It is their land. They owned it. They lived there. They were invaded by the desire to give them the blessings of a different religion and a different civilization from what they had. There were 200,000 of them there when this benevolent assimilation began. They lived in absolute comfort and absolute peace, except that occasionally disputes arose between one chieftain and another. They began gradually to disappear when this new civilization appeared. They are not to blame for it. They ought not now to be deprived of their rights in the land of their birth and the birth of their ancestors.

I will say to the Senator from Connecticut that there is no more danger of those people bringing about an improper state of affairs than there is of the Americans who are there—not a bit. They can read and write. They are practically all of them members of a church. They are a religious people naturally. They are a kindly dispositioned people. Everybody on this floor has said so who has had anything to say about them. We restrict them in this bill; and unless that restriction is removed, I do not intend to vote for the bill. You give them an intellectual or educational qualification. That is not enough. A man who does not have a thousand dollars' worth of property is to be deprived of the opportunity to vote. That is done upon the theory, according to the Senator from Connecticut, that he is an unsafe citizen.

Mr. PLATT of Connecticut. That is for the senate.

Mr. TELLER. For the senate. He may vote for members of the other house; but that enables a moiety of the people of that community to elect the obstructing body—the senate. They are the people who have naturally the ear of the appointing power, whether it be the President of the United States or the governor, as to many of the officers. You have given the governor a power never before given to a governor in this country. You never, as I recollect—certainly you did not do it in Colorado or Wyoming—have given the governor the right to appoint all the officers. We used to elect the auditor and we used to elect the treasurer and officers of that kind. We selected our county judges.

Mr. CLARK of Wyoming. Will the Senator from Colorado allow me?

Mr. TELLER. Yes.

Mr. CLARK of Wyoming. I do not know how it was in Colorado, but the only appointive officers we had in Wyoming in Territorial days were the governor, the secretary, and the judges of the courts. The auditor, the treasurer, the superintendent of public instruction, and all the boards were appointed by the governor, by and with the advice and consent of the Territorial council.

Mr. TELLER. That was the way with us. But I will venture to say that in their organic act or enabling act they had the same provision—until the legislature provided otherwise.

Mr. CLARK of Wyoming. That is the fact.

Mr. TELLER. That was the provision of the enabling act in Colorado. The governor made the first appointments, and they only held until the close of the first session of the legislature. It provided for the election. I do not know what they did in Wyoming; but if they did not, it was because they did not care to do it.

Now, here you deny to these people, if the President makes the appointment of the governor, the election of every officer practically, even the sheriff. We elected a sheriff in every county. So

they did in Wyoming. We elected county judges in every organized county. So they did in Wyoming. I know they did. Then there is the sheriff, who is the high executive officer of the Territory. I do not know but that there will be power in the legislature—I suppose there will be—to provide for a sheriff for each county, because I suppose they will have the general power of legislation.

What I want to protest against is the suggestion made by the Senator from Connecticut that there is danger of revolution. I do not know that he used that term, but that there is danger of the disruption of society there if these people are allowed to vote. The 30,000 Kanakas can be just as safely intrusted with the elective franchise, I repeat, as the Americans. I think they are infinitely more likely to give a decent government than some of the Americans who are there and who have been trying to arrogate to themselves all the power under the government, whether monarchical or republican in form.

I think we are under obligations to those people. We are obligated to give them as much self-government as they had when we took them in. They never could have contemplated that we intended to curtail their rights. The Kanakas, subject to a property qualification as to some offices, were all entitled to vote. They will be entitled to vote now except for senators, I understand. If a Senator will get up here and tell me how the ownership of property qualifies a man to vote, I will be glad to listen to him. It is not republican in form or in principle to say that the possession of a piece of property worth a thousand dollars gives a man a right to vote or a capacity to vote properly, and that the absence of it does not. It is too late in the history of this country and the history of free government to put these property qualifications there.

I want to repeat that all I am interested in is serving these people. The commission that went over there thought this was the proper thing to do. I understand from them that they believe it is acceptable to the people. Privately they have told me so, I think. The Senator from Wyoming, I think, said that he believed the people were changing their views on the subject; that they would prefer that the President should appoint the judges instead of the governor.

Mr. CLARK of Wyoming. Oh, no.

Mr. PLATT of Connecticut. I said it.

Mr. TELLER. It was the Senator from Connecticut. I beg pardon.

Mr. CLARK of Wyoming. My statement was that I thought the people would be satisfied with the usual Territorial form of government.

Mr. TELLER. They are entitled to a Territorial form of Government as good as any people ever had. You are not giving them such a government under this bill. You are not giving them the freedom you gave us. Of course, I would not want to say that the people of Colorado were not superior to the Kanakas. We then had a heterogeneous class of people. There was not a country or an island, I think, on the face of the earth that did not have its representative in Colorado, and we had a large population that could not either read or write. We found them there. They belonged there long before the Territory was organized, and yet we extended to all of them the opportunity to vote. There was no restriction. The enabling act said it was restricted to white male inhabitants. Any Kanaka could have voted under that. Every Mexican and half-Indian voted under that if he wanted to. It was only the negro who was excluded by that provision in practice in the Territory. All I am insisting upon is that these people shall have what I think we are under obligations to give them, a government of the people, by the people, and for the people, and if they are not qualified to discharge the duties of citizenship then there is not any community in the world that is, in my opinion.

When we come to deal with the Puerto Ricans and the Philippine people we are confronted with a different condition entirely.

Mr. CLARK of Wyoming. Before the Senator takes his seat, I will say that I think, so far as he and I are personally concerned, we are not far apart on this proposition. I will ask him if this amendment would be acceptable to him if it provided that the judges should be appointed by the President from citizens of Hawaii?

Mr. TELLER. I do not know but that it would be. If I could be sure that the President would take these judges from the citizens there I would not particularly object to this amendment. That is what I want to do. On my own suggestion I should be in favor of limiting it in that way; but I understand there are some Senators here who would raise the question whether we have any right to put that restriction upon the President. If that can be done without a controversy, so far as I am concerned I shall lose much of my interest in it, although I still believe it would be a little better to leave it as the committee or the commission put it, whichever did it, when they made this arrangement, than to change it as suggested.

Mr. CARTER. Mr. President, the pending amendment merely involves the question whether the judges of the courts in Hawaii shall be appointed by the governor or by the President. Other amendments follow which are merely incidental to that chief proposition. In considering the propriety of the course of action to be taken in this case, it is well to remember that the conditions being dealt with are unique. From all information obtainable from public prints, individual observation, historical narrative, and other sources of information it is quite obvious that we are dealing with a people and a condition where the most violent extremes of ignorance and intelligence, of wealth and poverty exist. The population is a curious conglomeration, made up of the aborigines, Portuguese, Spaniards, Germans, and other various nationalities of Europe slightly represented in the mercantile classes, Americans, Japanese, and Chinamen.

When the government of the republic was established limitations were placed upon the suffrage. Limitations were placed upon representation, deemed necessary for the preservation of any form of government. With that question this amendment does not necessarily deal, but in view of the combination of people and interests, with the large planter and the very poor peon, if you please; with the person possessed of millions and the person possessed of nothing, it is not difficult to perceive that the influences which secure the appointment of the governor will represent one class of people, and that that class will be represented throughout the government in unbroken influence, expressed through its courts, if the governor is permitted to make the appointments.

The original idea connected with our own Government involved the widest convenient and possible distribution of power. The election in the States of the judiciary by the people, the election of the governors by the people, and the appointment of the judiciary in the Federal system by the President, thus mingling together the executive and judicial departments, arose from the necessities, not the desirability of the situation. It would have been better to have elected the circuit and district judges of the United States by popular vote if that could have been done without abating the authority of the General Government. It could not be done, and therefore appointment was resorted to. To vest in the governor of the Territory of Hawaii the absolute right to control by appointment and removal all the judiciary of that Territory, will make of the governor, who will be in the beginning but the leader of a faction there, the autocrat of the island, appointing and removing, at his own sweet will, those who construe the law.

I am aware, and became so by experience, of the evils referred to by the Senator from Colorado [Mr. TELLER], the appointment of what became known as the carpet-bag gang constantly moving into the Territories from the States. They were generally made up of wind-broken and worn-out politicians, disturbing factors in the districts and the States, and sent out to the Territories for the purpose of getting rid of them. The Territory that was the most remote from railroad connections usually got the worst batch, because relatives, friends, and politicians wanted to put the worst men so far away that they could never get back. This led to an abuse that became a national scandal so pronounced that the great political parties of the country, not moved thereto by the power of the Territories, because the Territories had few votes in convention and none in the electoral college, but by a sense of justice and right, incorporated in their respective platforms a solemn pledge to the people of the United States that home rule should be guaranteed to the people of the Territories. That home rule materialized through the appointments of citizens to the respective offices in the Territories filled by Presidential appointment.

This body, a part of the appointing power, became so thoroughly imbued with the justice and fairness of that course of action that it became, and is to-day, an utter impossibility for any Presidential nominee for any Territory to pass through the Senate and be confirmed unless the appointee is a resident of the Territory. This principle has grown up by custom into a law as binding as any law upon our statute books, and it is not more likely to be violated. There is one exception to the statement I have made, and that is the district of Alaska, where there does not exist any Territorial government in the sense in which Territories have been ordinarily organized. It is but a district government. No legislature is provided for it. The conditions are such as to make it almost impossible to provide for an election which would secure a fair expression of the voice of the people inhabiting the district.

In the light of the suggestions made here, wherever relative to party action, Presidential action, and the action of the Senate, it would be useless to run the hazard of incorporating into this bill a questionable amendment restricting the President territorially as to the place from which appointees might be selected. The rule heretofore adopted would be adhered to most sacredly in reference to Hawaii if the President were authorized to appoint the judges. It does seem to me that no ill result can follow the selection by the Chief Executive of this nation of proper parties to preside over the judicial system of Hawaii. On the other hand, it is not improbable that the most serious abuses might follow the

lodgment of the supreme power in a governor selected by the President. That governor may be at all times an excellent man, and he may be at times a designing and unworthy man. The ordinary Executive act carries with it little of enduring injury to a people, but the appointment of judges to preside on the bench may lead to consequences evil and long enduring, which would last long years after the unworthy officer had been removed. There is no necessity for departing from the ancient rule under which the President has made these appointments. There are many and serious considerations for adhering to that rule.

Mr. CULLOM. Mr. President, I desire to say only a word, and that I have said in substance heretofore. The commission and the committee were desirous, and believed it was in the direction of public sentiment in this country, of interfering with the local status of the government of those islands as little as possible, and so it was determined by the commission that perhaps it would be better to allow the governor to appoint the judges as vacancies occur; and it was done somewhat in view of the fact that the history of the appointment of Territorial judges heretofore has not been very savory. It is true, however, as I know myself, that there have been a great many very excellent judges appointed for the Territories belonging to the United States.

Mr. CARTER. I fully concur with the view just expressed, that men of the very highest character and of the highest order of legal attainments have frequently been put upon the benches from the States and served on the bench with credit to themselves and the country.

Mr. CULLOM. I have in my mind one gentleman especially who signalized himself very greatly, as I think and the American nation, by his services as a judge in the Territory of Utah, as well as in the State of Utah for a while since it has been admitted into the Union. So the committee thought the country would feel that we were not undertaking to make these islands a Territory exactly in harmony with the other Territories belonging to the United States, with a view to bringing it into the Union as a State—at least, not very soon. So far as I am concerned, I was trying to avoid that, I will say frankly; yet the commission did not feel that we could establish a colony there or that we could establish a commission to govern those islands like we have now in the District of Columbia. So the commission determined that we would let that alone as nearly as we could.

We found a good system of courts there—a supreme court, circuit courts, and so on. The judges seemed to be satisfactory to the people; the system seemed to be satisfactory to the people; and hence it was we determined that when vacancies occurred we would authorize the governor of the Territory, whom everybody agreed would have to be appointed as the chief officer of the Territory, to fill them.

Now, so far as I am concerned, I have no concern whatever, if it is deemed best in the interest of those islands and most in harmony with the theory of our Government and safer, if it is decided that the President of the United States should appoint the judges. So far as I am concerned, it is simply a question as to which is the better course to pursue. If I felt that it would be more satisfactory to the great body of those people there, not simply the rich class as against the poor, but to the body of the people of the Territory, that the President should appoint them, I would have no earthly objection. On the contrary, I think I would rather favor it, and I am not disinclined right now to say that I have no special objection to the President of the United States appointing the supreme court and the circuit court judges of the Territory.

Senators must bear in mind that the judges to whom we have referred have no other duty than to administer the Territorial laws—the local laws of the Territory. They have nothing to do with the United States statutes under the theory of our bill, but, upon the contrary, all to do with the Territorial statutes. We provide in the bill that a United States judge shall be appointed who shall have all to do with the United States statutes. It seemed to me, as it did to other members of the commission, that that perhaps was a wiser course to pursue in the organization of the Territory.

I am not going to reply to the remarks of the Senator from South Carolina [Mr. TILLMAN], because I do not think it is necessary. We have gone over this ground time and again. My distinguished friend the Senator from Connecticut [Mr. PLATT] has made a good many criticisms of the situation and of the bill, and has asked what is going to become of those people and how they are going to act in the future. While I am on my feet, I desire to make a remark or two on that subject. So far as those islands are concerned, the people there are very much more afraid that our course here will disturb and bring about a bad condition of things in the islands than we are that they will bring about a bad condition of things with us. They are afraid of partisanship. They are afraid of adventurers coming there who will disturb and uproot the very foundations of what they call the republic.

Mr. PLATT of Connecticut. That is what I say.

Mr. CULLOM. I know the Senator says that, and he thinks that they are coming here for the purpose of appealing to the Congress of the United States or the Government of the United States to run their government for them in a financial point of view. They do not expect anything of that sort. They expected to pay for those Territorial judges as they expected to discharge their obligations to all the local establishment of the Territory—the legislature and all the local appointments that might be made or provided. I happen to have a statement here that shows a little of the revenues that they are depending upon. Not to go over the items in detail, there are about a million dollars raised in the islands from the tariff laws.

Mr. GALLINGER. Will not the Senator put the statement in the RECORD?

Mr. CULLOM. Yes; I will put this paper which I hold in my hand in the RECORD. Including the tariff laws, the customs laws, and those duties, they raise in the islands nearly $3,000,000.

Mr. PLATT of Connecticut. But we are going to take away what they receive under the tax.

Mr. CULLOM. Under this law we take away a million of it. They still have $2,000,000 left, and they are entirely content. Not a single man in the Territory has ever suggested to any member of the commission, so far as I know, that they are coming to the United States to get appropriations to run the local government. Nothing of that sort is intimated, nothing of that sort is desired. If we take these judges out of the category of appointees by the governor, they will be taken out of the list of those to be paid for by the Territory, and I think they ought to be. If we make the President appoint them, and they become in that sense United States judges, I think the United States ought to pay for them.

But the original proposition has been that nothing in connection with those islands is to be paid by the Government except the collector of customs, the postmasters, the collector of internal revenue, the judges of the United States court, the governor, the secretary of state, the United States marshal, and the district attorney. All the balance of the establishment is to be paid under the theory of this bill by the people of the Territory itself.

The statement referred to is as follows:

Statement as to financial resources of the republic of Hawaii.

The latest report accessible is that of the year ending December 31, 1898, the report for last year not yet having come to hand.

For the twelve months ending December 31, 1898, the total treasury receipts of Hawaii were $2,568,489.12, as follows:

Fines, penalties, and costs	$59,183.70
Chinese immigration fund	8,817.60
Revenue stamps	82,060.50
Custom bureau	896,975.70
Postal bureau	86,456.06
Tax bureau	811,818.67
Interior office	198,225.69
Honolulu waterworks	69,564.20
Honolulu market	9,189.25
Hilo waterworks	3,672.00
Koloa waterworks	140.00
Laupahoehoe waterworks	115.50
Conveyance bureau	16,794.25
Electric light	958.20
Land revenue	108,382.97
Land sales	48,893.06
Prison	1,473.10
Registry of brands	44.00
Government realizations	139,604.22
Department of public instruction	7,749.80
San Francisco consul fees	18,370.65
Total current receipts	2,568,489.12

Nearly all of the foregoing items indicate the source from which the revenue was derived, but several require explanation:

The item, interior office, $198,225.69, was derived chiefly from license fees, the largest of which was $68,000 for merchandise licenses; that is, licenses permitting the dealing in merchandise. The other items making up the total amount were for patent-office fees, rents on lands under control of the minister of the interior, etc.

The item, government realizations, $139,604.22, given was composed of various items of unclassified receipts. In this instance the two largest items were school tax, special deposit, $75,124.09; land sales, special deposit, $18,100.00. In addition to these amounts there were the other receipts, such as from the store at the leper settlement, the sale of hides, etc. (The board of health maintains a store at the leper settlement to afford the people opportunity to obtain such things as they need. The goods are paid for out of the appropriation made by the legislature. All receipts of sales are turned into the treasury as a government realization.)

The item, conveyance bureau, $16,794.25, represents receipts from the office of the registrar of deeds and conveyances.

CUSTOMS RECEIPTS.

It will be observed that of the total receipts of the government for the year there was received from the customs bureau $896,975.70.

With the increased values of property and the increased volume of business, the total receipts for the year just ended should be in the neighborhood of $3,000,000, of which one-third, or $1,000,000, would be from the customhouse.

When the customs receipts are taken by the United States, the islands will be deprived of not less than one-third its revenue.

Mr. CULLOM. Now, with that situation, it seems to me that there ought not to be shown that degree of criticism and of faultfinding and of disposition to uproot this whole bill and to adopt a new theory, but, upon the contrary, it seems to me that the theory of the bill ought to be sustained.

Mr. President, I have said here all the time that I did not like

the provision of the bill providing for one set of voters for the house of representatives and another for the senate of the Territory. I would much prefer some plan by which the whole population who are entitled to vote at all should vote for both houses of the legislature, and I have never said yet that I would not vote for such a provision. I come here, however, as chairman of the commission defending the bill generally, because it was the best we could agree upon.

Mr. President, I do not care to take up the time of the Senate longer in discussing the bill at this time. I would have been very glad if we could have made such progress with the bill to-day as to get through it and get it into the other House of Congress.

Mr. SPOONER. Mr. President, I do not join in any general criticism upon this bill. I have read the bill with great care, and I am frank to say, and feel bound to say, that on the whole it seems to me to have been drawn with great skill and with a desire to subserve the interests of the people of Hawaii.

I was not in favor of the annexation of Hawaii, nor did the manner in which it was accomplished meet my approval. It was done, however, and I bowed to the decision, as I always do, of the majority. The islands were annexed; and I am as anxious as any other man, and I assume we all are anxious, to do in this legislation, the first legislation for Hawaii, what is for the best interest of that people.

One reason why I was not in favor of the annexation of Hawaii was because I thought I realized the difficulty of bringing into entire harmony with our system and our theories that distant people, situated in a climate where necessarily conditions existed which differed from those which surround us, and how difficult it would be for us to apply all of our theories to that island. I have sometimes thought that the annexation of Hawaii to the United States would be, in the long run, a detriment rather than a benefit to those islands and the people of the islands.

Take this matter of contract labor. I always doubted, so far as the interest of that people was concerned, the wisdom of extending, perhaps, not the immigration laws, but the contract-labor laws which we have in this country to those islands, because of the conditions which surround them there, the climate, and all that. My recollection is that the Senator from Alabama [Mr. MORGAN], who certainly is always frank and has for many, many years had the interest of that people very much at heart, stated in the last session of Congress, when an attempt was made by the Senator from Indiana [Mr. FAIRBANKS] who had charge of the bill to extend the immigration laws of the United States and the contract-labor laws of the United States to Hawaii, that it would be extremely detrimental to that people.

Mr. MORGAN. I do not remember to have taken that ground.

Mr. SPOONER. I may be mistaken, but I think not.

Mr. FAIRBANKS. If the Senator from Wisconsin will permit me, I will state that the Senator from Alabama objected to the consideration of the bill which I introduced at the last session of Congress on the ground, as I understood him, that its passage would be detrimental to those people; and it was upon his objection that we failed to secure the passage of the bill.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. MORGAN. That bill was reported by the committee on the morning of the final adjournment of Congress. There was another measure in which I was very greatly interested that would be set aside and put out of joint entirely if that bill had been considered, and I objected to its consideration on that ground and only on that ground.

Mr. SPOONER. I still think that my recollection is not at fault as to the ground upon which the Senator from Alabama opposed the bill.

Mr. MORGAN. If the Senator will allow me, I never have believed that those contract-labor laws were to the advantage of the people of Hawaii. The people who have derived the advantage from it live in California. They are the owners of the great sugar estates in Hawaii. They are the men who have controlled the legislation in Hawaii upon this subject, and they are controlling it to-day and its policy, not the people of Hawaii. I have always been opposed to having California control the Hawaiian Islands.

Mr. SPOONER. I will call later the attention of the Senator to the language which he uttered, and he may then say to me whether I misconstrued him or not. I do not intend to do him injustice. His statement had great weight with me.

But, Mr. President, I rose to speak only a moment upon this amendment, for which I shall vote. I suppose if the proposition were made to incorporate this provision in the law which governs Arizona, Idaho, or any of the Territories proper of the United States it would not receive much support, although some Senators might think it would be wise.

Mr. MORGAN. Will the Senator allow me to interrupt him a moment?

Mr. SPOONER. Certainly.

Mr. MORGAN. I wish to call his attention to the statute as to Arizona:

> The judicial power of Arizona shall be vested in the supreme court and such inferior courts as the legislative council may by law prescribe.

And of that the supreme court only is appointed by the President.

Mr. SPOONER. Certainly; that is the proposition of which I was speaking. Our practice has always been, as I recollect it, under the laws which from time to time have been enacted for the government of the Territories, that the judges of the supreme court should be appointed by the President of the United States by and with the advice and consent of the Senate.

Mr. MORGAN. But if the Senator will allow me——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. MORGAN. If the Senator will allow me, the amendment proposes to appoint the judges of the supreme court and of the circuit courts.

Mr. SPOONER. I doubt the wisdom of the amendment in that respect, but I am speaking of judges of the supreme court. I can see no earthly reason why, as Hawaii has become a part of the United States, in arranging for its judicial system, so far as the supreme court is concerned, we should depart from that theory which has governed us hitherto.

Arizona and some of the other Territories, within our own part of this continent, within reach of our public opinion, inhabited by men who for many years have been citizens of the United States, are, so far as their judicial system is concerned, governed in this way. But I think since the Presidents of the United States have been more governed by the fair principle that the judges should be chosen from the Territories, there has been very little complaint and very little reason for complaint as to the character and the qualifications of the judges who have been appointed.

One difficulty with us all is that Senators seem to treat Hawaii here now as sui generis in all respects. It is sui generis in some respects; it is unique in some respects. It was a republic. It is no longer a republic. It was an independent government. It is no longer an independent government.

The Senator from Alabama spoke the other day about butchering the republic by this legislation. We are not butchering the republic. The people of Hawaii butchered the republic, Mr. President. They sought annexation with the United States. They had a propaganda in this country and able men throughout the country advocating, in the press and on the rostrum and everywhere, the annexation of Hawaii to the United States. They entered into a treaty with the United States by the very terms of which, the moment it became effective, the republic of Hawaii was to die.

Mr. MORGAN. It did not. It is living now.

Mr. SPOONER. If it is living now, why do we not send a minister to it, as we did then?

Mr. MORGAN. I mean it is living with all of its functions and powers except foreign relations. If the Senator——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. I always yield to the Senator.

Mr. TILLMAN. Will the Senator from Wisconsin allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. TILLMAN. We have a minister there in fact—at least we are paying him there right now—Mr. Sewall. He is no longer accredited as a minister, but he is now the executive agent of the President to communicate with this principality.

Mr. SPOONER. That is another thing. It can not be an independent republic, of course, as it was once, and be a part of the United States. But when the resolution of annexation passed both Houses of Congress and was accepted, the republic of Hawaii as an independent political entity ceased to exist, and it became, by the resolution of annexation, a part of the United States.

Mr. CULLOM. Will the Senator from Wisconsin permit me?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. SPOONER. Certainly.

Mr. CULLOM. I simply wanted to call attention to all there is of it as to its present existence, and that is to the provision of the annexation act continuing the situation until the legislative act was passed by Congress.

Mr. SPOONER. Of course, Mr. President.

Mr. CULLOM. I suppose that is what the Senator from Alabama means.

Mr. MORGAN. That is all I mean.

Mr. SPOONER. Of course no one will dispute that if by the acquisition of territory, it being taken out from under the dominion of the government which theretofore had controlled it, all of its laws were to cease, there would be anarchy. So in all the

treaties it has been provided that until Congress should act the laws should continue in operation, and this resolution wisely provided, necessarily provided, that until Congress should act the laws should continue in force and in operation. But they did not——

Mr. TELLER. They would continue anyhow.

Mr. SPOONER. Yes, as a matter of international law.

Mr. CULLOM. I do not know that they would continue.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. SPOONER. Certainly.

Mr. CULLOM. I shall have to beg pardon again for interrupting without leave.

Mr. SPOONER. Not at all. I always yield.

Mr. CULLOM. I beg pardon of the President of the Senate, I mean. The laws not only would exist, but there would be nobody there to enforce them, unless the government that existed there when the annexation act was passed continued to exist; and so the government is existing as well as the laws in a sense.

Mr. SPOONER. The resolution of annexation provided that the powers, civil, military, and judicial, necessary to the government of the island should be vested in such persons and exercised in such manner as the President should direct.

Mr. CULLOM. Yes, and he continued it at his discretion.

Mr. SPOONER. Certainly. Now we are providing laws for Hawaii.

Mr. CULLOM. Yes.

Mr. SPOONER. Really, the laws that have been in force there were in force, strictly speaking, under our law annexing the islands to the United States. So it is no longer, Mr. President, an independent republic; it is a part of the United States; and we are proposing by this bill to erect it into a Territory of the United States. I can very well see (and the commission and the committee were obviously wise about that) that in proposing a code of laws for the Territory of Hawaii they should leave in force the laws which are peculiar to their conditions over there, the laws which are not inconsistent with the Constitution of the United States, the perpetuation of customs peculiar to that people, to that climate, and to their former organization, property rights, and all that. That is proper; that is necessary. To do anything else, if we had power, would be tyrannical and indecent.

But, Mr. President, I am unable to see why, so far as their judicial system is concerned, they should have any right to insist that the judicial system of the republic should be continued in this Territory, and that we should give to them, so far as their court of last resort is concerned, a Territory very much smaller in population than some of the old Territories of the United States, a system of judiciary different from that which we give to the Territories.

Mr. CULLOM. Will the Senator from Wisconsin allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. CULLOM. I do not desire to interrupt the Senator, but I only want, as the Senator goes along talking about the situation, to say, in justice to those people, that so far as the commission know there was no determined purpose on the part of any of the people of those islands to have one form of government different from another, except that they did not want to be called a colony or be made a colony, and they did not want a commission to govern them.

Mr. SPOONER. We are not proposing to make them a colony.

Mr. CULLOM. As to the supreme court, there was no particular discussion, so far as I remember, as to whether they should be continued in office or the same establishment retained or not. The truth is, that no Senator ever had to deal with a population that was so thoroughly desirous, apparently, of doing what seemed to be right as the people of those islands in reference to this Government.

Mr. SPOONER. I do not question that, Mr. President. But are they a part of the United States?

Mr. CULLOM. Certainly.

Mr. SPOONER. And we ought to bring them, as soon as we can, into harmony with the system which we apply to the other Territories of the United States, treating them as a part of this country, treating them no better so far as their judiciary is concerned than we treat the old Territories. I can conceive of no reason, and none certainly has been given, which would warrant the Senate in making an exception in respect to the supreme court in Hawaii to that which prevails in the other Territories of the United States. The President, of course, is to appoint the governor. He appoints the governors of the other Territories. He appoints the judges of the supreme court in the other Territories. Why should he not appoint the judges of the supreme court in that Territory? They certainly can not complain that we treat them as a part of this country and of our own people by treating them as we treat the Territories on the mainland so far as the judicial system is concerned.

Here is a proposition, Mr. President, to authorize the governor of the island to appoint the supreme judges, to make the decision of that supreme court in matter of life and death final, giving no appeal from that Territorial tribunal to any tribunal above it. That is not the law as to any other Territory. Why should it be as to this? Why should a man condemned to die in Arizona have a right to appeal to a higher tribunal, and a man, an American citizen, if you please, condemned to die in Hawaii for a violation of a local law have no appeal from the supreme court of that State?

There was great force, to my mind, in the argument made by the Senator from Connecticut [Mr. PLATT] in support of the proposition that peculiarly in the Territory of Hawaii ought the President of the United States to appoint these judges. It is far away from us. The land ownership there is in the hands of a few, and in the hands of the rich; perhaps, as the Senator from Alabama intimated a few moments ago, in the hands of powerful men in California. It is largely a syndicate-controlled island.

The senate which is to confirm these judges is a small senate. It is a senate of only 15 men. It is a senate in the election of whose members the people at large have no voice. The natives of that island—the men who were born there, the men who love it, the men whose home it is—even though they be intelligent, even though they can read and write, even though they be docile and kindly and gentle, have no voice, unless they have money, in the election of that senate which, in conjunction with the governor, is to appoint these important officers. It is not a contest of manhood alone. It is a contest of manhood, of intelligence, and property. The band of men who under this bill—and I am not certain that it could properly be changed—are to choose this senate, a majority of whom will confirm or refuse to confirm the appointee of the governor, are comparatively small in number.

I think it would be wiser for that whole people if we in this one particular adhere to the policy which has governed the Congress of the United States in establishing at least the supreme court of that Territory. The President can be trusted—not only this President, but the Presidents who are to come after him. I can hardly conceive it possible, Mr. President, that there will be an occupant of the White House who, remembering the history of that people, remembering how they came to us, keeping in mind their isolation, their distance from us, the peculiarities of their situation there, different in language and customs, and all that, would choose some broken-down politicians, possibly ignorant in the law, possibly bankrupt in integrity as well as in purse, to take into their hands the administration of justice as members of the supreme court of the islands of Hawaii.

But the President alone is not to appoint these judges. If the amendment proposed by the Senator from Connecticut [Mr. PLATT] shall be adopted, they are to pass the Senate of the United States. The President will appoint them by and with the advice and consent of the Senate. I am not ready to believe that the day will soon come when a Judiciary Committee of this body will be found willing to give their consent, or when the members of this body will be found willing to give their consent, to the confirmation of a judge, or a man for a judge of the supreme court of Hawaii, out of harmony with that people and not in all respects fit to discharge those important duties. They can, it seems to me, in safeguarding their interests, be left much more safely to rely upon the President and upon the Senate for the confirmation of appointments and the confirmation of proper men than upon the governor and of the little senate elected by a small band of property owners in Hawaii, which eight men control. We all know how they would probably be elected and what, as a rule, their relation would be to the large property interests in Hawaii.

Mr. TILLMAN. Mr. President, will the Senator from Wisconsin allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes, sir.

Mr. TILLMAN. The Senator has painted such a graphic picture of the dangers from this little oligarchy, or the senate that is to be elected by voters possessing a property qualification, that I should like to ask him if he is going to consent by voting to allow that provision in this bill to remain in it?

Mr. SPOONER. That, the Senator will admit, has nothing whatever to do with the question which briefly I am discussing. I shall cross that bridge when we come to it, and endeavor to do, when we come to it, what I think is for the best interests of the people for whose benefit we are enacting this measure.

I have nothing more to say, Mr. President.

Mr. MORGAN. Mr. President, when I spoke of the republic of Hawaii as being in existence, of course I meant the government that is now in existence there, modified by the act of Congress; not that an independent republic exists there by any means, but that this republic exists there according to the terms and provisions of an act of the Congress of the United States; and in that sense, and to that extent, that all of the laws and constitutions of the

republic of Hawaii are in existence to-day and have been in existence since the 12th day of August, 1898.

That being so, what has taken place there? They have not had any meeting of the legislature to enact any laws since this act was passed by Congress; but the judiciary there have gone on and exercised all of their duties and powers; and I know as a matter of history that men have been hanged in Hawaii since the 12th day of August, 1898, under the laws of that republic. I know, as I stated here the other day, that the indictments under which those men were hanged ran in the name of the republic of Hawaii, and so by the order of the President of the United States.

We found when the commission went out there this government in full existence, in the full exercise of all of its authority; and the question that was presented to us was how far we should reduce or razee that government in every direction, so as to make it conform more nearly to the laws and the Constitution of the United States and to the prepossessions or the opinions of the people of the United States. Well, we tore it down and went as far as the commission thought they could in justice or in safety go, both in regard to the powers of the electors and also in regard to the judiciary and the executive departments of that government. It was a work of great labor to remodel that entire government. The committee did not feel that they would be authorized to appear before the Government of the United States with anything less than a system of laws fully written out for the government of Hawaii, taking those laws from the civil and penal codes of Hawaii, repealing such as we thought were in conflict with the laws and Constitution of the United States and many that we thought were in conflict with the public policy of the United States, and we have reported here and had printed in extenso all the laws that are retained. No Senator can justly complain that he can not understand the laws of Hawaii as they will exist when this bill is passed, for the reason that every statute is here plainly printed.

The preparation of this code of laws involved a great deal of labor and a great deal of care; and, as I have observed heretofore in this debate, it was gone over by the commission with extreme care, brought to the Committee on Foreign Relations, and examined there with great care in the last Congress and also in the present session of Congress. So, if there are any accidental omissions, if there are any difficulties or any changes that ought to be made, the commission and the Committee on Foreign Relations have not been able to discover them. The committee has done all that they knew how to do in the preparation of a system of laws upon which the republic of Hawaii could be changed into a Territorial government without destroying important and valuable rights and interests in that Territory.

The part of the bill which is objected to by the Senator from Connecticut is that which relates to the tenure and appointment of the judiciary of the islands. In the preparation of this measure we also had reference to all the statutes of the United States organizing the different Territories; and we found there, for instance, in regard to Arizona, that—

> The judicial power in Arizona shall be vested in a supreme court and such inferior courts as the legislative council may by law prescribe.

Another part of this statute prescribes that—

> The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

The law was consulted and observed in the preparation of this bill. The reasons that I had—I do not know what reason any other commissioner might have had—but the reason that influenced my action upon the subject of the method of appointing the judiciary was one that I have not heretofore chosen to express in a report or on the floor of the Senate.

I found in Hawaii, what I have just remarked about a while ago, that the great money power there was owned in California; that it was owned by corporations, some of which were organized in California and a few of them in Hawaii. It is so to-day. Claus Spreckels and the other moneyed men who hitherto have been in Hawaii, who own very large portions of the islands, and now reside in California, have all the rights and privileges of citizens of the State of California.

I know another thing, that the money power in the United States controls the election of Presidents. I understand that perfectly well, and we all understand it. I know that the influence of patronage in the election of the President of the United States is a very powerful and a very important matter, and I was satisfied, and I am satisfied now, that if we pass this bill the judges of Hawaii will pass under the jurisdiction of the political agencies of this Government, and that the people of Hawaii will be consulted in regard to those judges only to an extent that they have got some votes to cast, and in no other way, for the President of the United States or somebody else in convention or somewhere else. It has got so now that the casting of a vote by a Territory in a convention, Democratic or Republican, is as full an expression of the influence of that Territory upon a Presidential election as if they had the right to vote in the electoral college. They make the nominations, and the nominations are always followed by the one party or the other, as either may be in the ascendency.

I wanted to divorce, if I could, the judicial establishment in Hawaii from the political agencies in the United States. If that was a just and proper motive, that was what I wished. I have not wished that in the passing of that government into the control of the Government of the United States there should be any temptation whatever to any President of the United States, whether he was a Democrat or whether he was a Republican, to appoint men in those islands as judges as a reward for their political services to either party in the United States; and, Mr. President, I think I am entirely justified in that attitude by the history of this country, and I am certainly justified in it by the highest morals of political economy.

I passed through an experience of this kind, and I understand, I think, perhaps a little better than gentlemen who have not had such an experience, the principle that ought to control the Government of the United States in action like this. The republic of Hawaii, being a government that to-day exercises every function and power of government within its own limits, as I observed, is precisely in the attitude that the State of Alabama was in and the State of Georgia was in when they were coupled together in a satrapy for the purposes of reconstruction. It was not declared when that reconstruction was introduced here into Congress that the States had lost their sovereign rights or their place in the American Union. That was not declared. But the Government of the United States took the control of them, and that control was absolutely unlimited. To such an extent was it carried that in my own State a lieutenant in the command of a military company has gone into the circuit court while the judge was holding court, taken him off the bench, and locked him up in jail because he inflicted a fine upon a drunken soldier who was in a row in the streets of Jacksonville, Calhoun County, Ala.

That was the situation, which at the time was indescribably severe upon us. We did not suppose, and I never thought, there was any constitutional justification for it at all. Nevertheless, Alabama, after she had seceded from the American Union, had not been represented in the Senate or in the House of Representatives up to that time, and this governmental reconstruction was imposed upon us, and we were compelled to accept it in order to get our representatives into this body and into the other House.

Upon what principle did the Government of the United States proceed in doing that? They proceeded upon the idea that the State of Alabama, the State of Georgia, and all the other Southern States had come under the supreme power and jurisdiction of Congress in so far as Congress had the right to send its military officers there to compel obedience to the laws of the United States enacted by this same Congress.

Upon what predicate was that action based? It was upon the predicate that we had disassociated ourselves by our own act from the Government of the United States, and the laws of nations justified the Government of the United States in holding us in a state, I may call it, of suspended animation as a State government, and of admitting us into the Union upon certain conditions which we were required to accept and adopt; for instance, the ratification of the fourteenth and fifteenth amendments.

Hawaii, when this act of annexation was passed and when she accepted it, was placed by your statute exactly in the same situation. except that in Hawaii the civil power of the Government of the United States was extended over that Territory through the act of the President instead of the military power which was extended by act of Congress in 1866 and 1867, which I believe were the dates. Hawaii, therefore, to-day is in the situation that Louisiana was, as I have heretofore observed, under the act approved by Mr. Jefferson, where, in virtue of international law, Louisiana was held subject to the jurisdiction and power of the Congress of the United States, and the President of the United States in that act—I do not know in that act by express terms, but in this act by express terms—the President of the United States has the power—

> Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct.

Mr. SPOONER. And it was the same in Louisiana?

Mr. MORGAN. It was the same in Louisiana.

There we have it. There is no justification for that act of Congress in the Constitution itself, except so far as the Constitution of the United States has adopted the law of nations, and the law of nations, under the Constitution of the United States, by the declaration of the Supreme Court of the United States in many cases, and by the statement of the commentators on the laws of the United States, is a part of the law of the land.

The law of nations is a part of the laws of the land. So, under the authority of the law of nations, Congress has so provided

that what we call the republic of Hawaii—that is to say, the government that exists in Hawaii to-day and has existed since the passage of this act—should remain in full force and operation as to its local laws, but the President of the United States should vest the jurisdiction and power that was provided in those local laws in such persons as he saw fit. He could have removed every man who was in office in Hawaii, if he had chosen to do so, and appointed citizens of the United States from any of the States or Territories to have gone there and to have executed this act of Congress. He has chosen to leave Hawaii in the condition in which Congress found it and left it also at the time of the passage of that act.

I maintain that from that Hawaii had a just right to expect that the Government of the United States would treat her like she treated Alabama and Georgia when they might be admitted into the Union, we will call it, or to a Territorial form of government; that is to say, to provide for those people the preservation of all the rights and powers which they enjoyed at the time of annexation, subject, however, to the laws, the Constitution, and the general public policy of the United States.

If it is the general public policy of the United States—and this question was debated before the commission—that the judges of the courts there should be appointed by the President of the United States and that their tenure should be four years, then, Mr. President, of course there can be a perfect justification on the part of Congress in adopting that course; but that is not compulsory on the Congress of the United States. The Congress has a just discretion about this matter, and it ought to exercise it. The point I make about the tenure of office in the Hawaiian Islands, claiming that the judges of the supreme court ought to be in for a longer period of time than four years—it ought to be nine years, in my judgment—is that that is a peculiar legislative and judicial arrangement in Hawaii and that it requires men who have an understanding of the laws, the customs, the habits, and the history of Hawaii, and, in a large part, of the language of the Hawaiians, in order to comprehend exactly what a judge ought to know who is on the bench presiding in the most important of all questions that the mind of man can conceive of. That is my idea about the tenure of office.

While it may do to appoint a judge of the supreme court of Arizona for four years, Arizona being under the common law, her people speaking the English language and being accustomed entirely to our institutions and laws—while that might be justified in Arizona, it is a very dangerous thing to do in Hawaii, in my judgment, and upon that proposition as to the tenure of office—that is the argument which I advance—it is a dangerous thing in tearing down that government and replacing it with a Territorial government to go so far as to put our judges over them for so brief a period of time; and that, too, Mr. President, in connection with the fact that every judge who is appointed in every Territory is appointed purely on political grounds, and on no other, induced me to try to break that record—and other gentlemen of the commission were also satisfied with it—and to have for those islands out there a different situation, a different condition.

I do not want a politician from California or from New York or from anywhere else to go to the President and say: "Sir, I contributed a million dollars to your election; I have got vast interests in the islands of Hawaii, and I want you to appoint Mr. So-and-So a judge there, residing in Alabama or in Kentucky or in Michigan." I want to divorce, disconnect, the judicial system of Hawaii from the possibility, so far as we can do so, of having influences of this kind to operate upon them. I do not want to leave the judicial system of Hawaii a prey to the politicians of the United States.

A good deal of declamatory statement has been made here, and a good deal of defamatory statement also, in respect to the people of Hawaii, the classes who are to be admitted and those who are be excluded from voting for the 15 senators in those islands. A money qualification to vote annexed to a white man is an odious and an abominable thing. I believe in the right of every white man who has got moral status enough to cast an honest vote having the right to vote, without respect to his age, if he is over 21 years, and without respect to the ownership of property that he may have, and without respect to his ability to read or write. That is my judgment about it. But in expressing this judgment how many of the States of this Union do I assail in their policy? How many of the States of this Union have property qualifications for voting? How many of them have literary qualifications for voting—qualifications that are accidental, that belong to the condition of the man rather than to his natural powers and rights as a white man? How many States, I ask, have these qualifiations for voting? Quite a large number. And why should those States that now have property qualifications, literary qualifications, and various other qualifications come here to object to that limitation on that class of electors in Hawaii who are permitted to vote for senators based upon the ground of property?

What is the test in Hawaii, Mr. President? It is whether a man is an indigent vagabond, who does not attempt to take care of his property or his family, who makes no accumulation, who does no work and does not want to work—a servile man, a man belonging to an inferior race of people—whether a man of that sort is a qualified elector.

But now the Senate seems not to have reflected, seems not to be thinking about the real attitude of this question. What are we doing here to-day? We are not fixing permanent organic laws upon the Territory of Hawaii. These election laws are not permanent organic laws at all; they are laws which may be modified by the subsequent action either of Congress or of the legislature. We take a community there that for the first time is to be brought in under the laws of the United States with the electoral privilege.

Let me illustrate, Mr. President, for just a moment. I will take Puerto Rico as my theme for the sake of the illustration. We have there nine hundred and odd thousand people. We will assume that one-fifth of them are men 21 years of age—about the proportion we have in larger communities. Perhaps it is not so large there. We are supposed now to be preparing to enable those people to exercise for the first time in their existence the right of local self-government. Do we select the whole body of the people without reference to the age of 21? The Spanish age of eligibility to the electoral privilege is 20 years, not 21. Do we select the whole body of the male population, Spanish, negro, mestizo, and confer upon them the power to organize a government in Puerto Rico? Are we expected ever to do a thing of that kind? In the inauguration of representative government in Puerto Rico, as in Hawaii, where the subject is res integra, and in Hawaii, so far as we are concerned, just as it is in Puerto Rico, we select the men who put the government machinery into motion for the first time. In Hawaii we have the advantage of having men who for years and years, even back under the monarchy, have had training in this matter of considering governmental projects and voting upon them. We have that very great advantage in Hawaii. In Puerto Rico we have not got a man who has ever had the privilege of doing any act at all as a voter or a constituent or a factor in the idea of self-government.

Now, we are making the selection; we are making it in Hawaii; we are not making it permanent; we are making it provisional; and the question is, Who will the Congress of the United States intrust, in the first instance, with the powers of local self-government to the extent they may go and form and organize a government in Hawaii, or commence the execution of a government in Hawaii? That is the question now before the Senate. If I had the honorable Senator from Connecticut [Mr. PLATT] there in Hawaii, with a pencil and a piece of paper in his hand, and had those people to pass in review before him, there is many a one he would strike out, to whom he would not intrust, as a member of the United States Senate, the power of organizing and conducting government in Hawaii.

Mr. PLATT of Connecticut. Mr. President, I support the provision about the property qualification for voting for senators.

Mr. MORGAN. Very well; and if the Senator had the selection of judges in Hawaii he would find men there who are thoroughly competent, qualified by long training and eminent ability, for the discharge of those judicial functions.

The Senator said that he had heard of some decisions in Hawaii by the supreme court that were peculiar. Questions are peculiar there, Mr. President, but there is no peculiarity in the decisions of Hawaii that is affected in any way in the world by personal incompetency or corruption. On the contrary, I have in my library the eleven books of the reports of the supreme court of Hawaii, and I can cite you to instances in the Supreme Court of the United States where those decisions have been quoted on general topics of law, and quoted as authority. The judicial system of Hawaii is one that is admirable, and the records of the supreme court of the republic and the monarchy of Hawaii show its admirable qualities.

The first time the supreme court was ever organized in Hawaii was by Kamehameha III, and he made himself the chief justice of the supreme court. The king conferred that honor upon the office that he himself sat on the bench with the associate justices, and from that time forward nothing has been so carefully considered as the jurisdiction, the practice, and the conduct of the supreme court and of the subordinate courts in those islands. So I should say that the Senator from Connecticut would find amongst those people a man more strictly eligible to a judgeship in those islands than he would find in California or in Maine or in Connecticut.

Now, if you will put him into the office and let him stay there for nine years, which is not a long term for a judge of a supreme court to hold, that man will become identified with the people. He will understand the interests that are bearing upon that community. He will understand the power that resides in California and rules in Hawaii. He will understand and, if he is honest, he will appreciate the necessity of having the judicial establishment stand aloof from and be independent of this foreign power on the

coasts of the Pacific Ocean. In my judgment, these matters are so worthy of consideration that I did not feel at liberty to tear down a system which has a life tenure for supreme court judges and a tenure of six years for circuit court judges and reduce the tenure and transfer the appointment of the judges into the hands of a power which was entirely foreign and entirely distant to a great many people in Hawaii.

Suppose the President of the United States were to select a really eminent, good man, whether he is a native Kanaka or whether he is a native-born white man, for there are many of that kind in Hawaii who have spent all their lives on the island, who were born there, and who feel for that island the same patriotic zeal that I trust I feel for the State of Alabama and the Government of the United States. Suppose such a man were appointed by the President of the United States and were to come before the Senate and hear the rabid, vicious, defamatory, horrible explosions of wrath and denunciation and vengeance and disgust that have been uttered by Senators on this floor in this debate, would we expect a fair consideration from the Senate under such denunciations of a man who belongs to that abhorred race or that abhorred region of the world? Sir, I should say that a gentleman from Hawaii who, after hearing the debates here to-day, would be willing to submit himself to the jurisdiction of this body would be either a very bold or a very bad man—one of the two. The demonstrations made here are entirely foreign, entirely antagonistic, and ferociously opposed to any conception that there can be either morality or law or justice in the Hawaiian Islands or that those people are entitled to any consideration whatever.

I said to the Hawaiians, when I first went there, "If you want justice in the Government of the United States, stand your ground and apply for admission as a State into the American Union, where your Senators can come upon this floor, and in the other House your Representatives can come and take care of your interests; for if you throw yourself into the hands of a foreigner and that foreigner is influenced in his conduct toward you by prejudice and passion or by the baneful effect of political power bought with money, you will be in a serious condition hereafter, and you will live to lament the fact that ever you consented to become a part of the United States of America." Mr. President, no warning could have prevented the Hawaiians from coming here. Those people have as assiduously and as continuously celebrated the birthday of American independence for fifty years as we have. They have never allowed a Fourth of July occasion to pass that they did not bring out the banners of the United States and hold their feasts and festivals in honor of our independence.

Those missionaries who went there, who seem to have lived to receive the opprobrium that is due only to the worst class of men that ever existed, infused into those people the first idea of liberty, the first conception of Christianity. They were their teachers. They translated the Bible into their language. Theirs was a spoken language, consisting of an alphabet of thirteen letters, nearly all of them vowels, and a few consonants. The missionaries translated the Bible into their language, formed the grammar and dictionary of the language, taught it in schools, so that the laws were not only written, but printed, in Hawaii and in the Hawaiian tongue, and built up for them from the foundation stone to its splendid majestic attitude that wonderful combination of people in Hawaii which, after all, grew into a republic. They did not usurp republican ideas or doctrines or principles and force them upon an unwilling multitude, but the whole people were inspired by the love for republican institutions, out of which grew this celebration annually of our natal day, the 4th day of July.

A people in that condition have the right to expect at our hands something besides abuse. Let some man point out a defect in the government of Hawaii, some corruption, some mismanagement, some abuse of trust or power; then I will be prepared to hear him with patience; but when it comes to the mere question as to whether the Hawaiian government has consented to make labor treaties and labor contracts to get her sugar-cane fields established there, and when that question runs off into a mock idea of liberty and justice and right, I am prepared to say that the people of Hawaii are misjudged upon that question. If they have been wrong about it, it is because they have been overruled by powers that were outside of Hawaii, most of them in California, for the purpose of enabling the sugar planters to get the labor of Japan and China upon their sugar estates.

Now as to Japan. A Japanese has as much right to make a labor contract with a man in the United States as a German has. They would both have a full right to do that but for the prohibition of our laws. A man can make a labor contract with a subject of Japan to go to Germany or England or France to work, but he can not do it as to the United States, because we prohibit it. That is the only reason for it. Hawaii, consulting her own interests, was not bound to prohibit such contracts. Nor was her conduct in making treaties for the purpose of getting those people into the islands to do work in the slightest degree immoral or incorrect in political economy.

It turned out to be a serious evil, because the influences which started this labor business in Hawaii have pressed it entirely too far. But now we propose to extend this act so as to repeal all those laws. It is a positive repeal of all those laws; and also we extend over those islands the laws and Constitution of the United States in full force, so that there is not a shred of a contract left standing in Hawaii if it is opposed to the laws of the United States. There were contracts in existence there at the time of annexation, but the labor contracts were not preserved, because they were opposed to the policy of the United States declared in law, and no contract which is opposed to the public policy of the United States Government as declared by the law can be valid after the passage of this act.

But contracts have been made since, and the amendment of the Senator from Massachusetts, I believe, invalidates those contracts. That amendment in its present form is an outrage upon the Constitution of the United States, for the reason that men have made contracts in Hawaii with companies in Japan for the purpose of importing labor. Those contracts can not be, or ought not to be, invalidated by any act of Congress. So far as the Japanese citizen is concerned, he ought not to be subjected to the laws which were not in force at the time those contracts were made. But so far as the contract itself is concerned, how can we afford to say that contracts which were valid, made since the 12th day of August, 1898, shall be made invalid by the operation of positive law? There we are cutting into the arrangements of those men, not in Hawaii, but chiefly in California, and who caused those contracts to be made.

We are cutting into them in such a way as would be utterly disastrous if we had any power to do it. We are merely raising questions that we have no power to enforce, for I take it that after all the Supreme Court of the United States, when it comes to sound this question to the bottom, will hold that the Constitution of the United States operates as a prohibition upon Congress to invalidate any contract that was valid at the time it was made. I think so. That is a point which has never been exactly decided, but it certainly has not been decided against the proposition I advance.

Mr. SPOONER. Will the Senator from Alabama allow me?

Mr. MORGAN. Certainly.

Mr. SPOONER. Does not the Senator understand that it is a fundamental principle of equity jurisprudence that the specific performance of a contract for personal service will not be enforced by a court of equity?

Mr. MORGAN. You can not enforce the specific performance of a contract by personal service in any court.

Mr. SPOONER. That is right. That is one branch of the amendment.

Mr. MORGAN. Only one branch, and that I am in favor of.

Mr. SPOONER. Let me ask the Senator another question.

Mr. MORGAN. Yes, sir.

Mr. SPOONER. Is it at all in harmony with our sense of right or theory of government that a violation of a contract for personal service shall be criminally punished?

Mr. MORGAN. Not at all. I opposed all those laws in the South.

Mr. SPOONER. That is the second branch of the amendment?

Mr. MORGAN. Yes.

Mr. SPOONER. And the two are all that is embraced in the amendment offered by the Senator from Massachusetts.

Mr. MORGAN. No; I think not. I think the amendment of the Senator from Massachusetts cuts down every contract in relation to the subject of the importation of labor under contract. There are some of them, I think, of very great magnitude, the largest of them, the most important of them, held in California.

Mr. CHILTON. It would be constitutional to interfere with contracts so far as future importations of people are concerned?

Mr. MORGAN. Oh, yes. That is cut off because the laws of the United States prohibit it absolutely.

Mr. CHILTON. That is right.

Mr. MORGAN. It is not only a void act, but a criminal act under the policy of the United States.

Mr. CHILTON. So, even if contracts existed, they could be interfered with to that extent at least?

Mr. MORGAN. Oh, yes. As this bill leaves the laws of the United States and Hawaii no man has any more right to import Japanese into Hawaii under contract than he has to import a German or a Frenchman into Maine or Massachusetts under contract to labor.

Mr. SPOONER. That statement I think is true, but that follows from the bill. It does not follow from the amendment offered by the Senator from Massachusetts.

Mr. MORGAN. I think the amendment of the Senator from Massachusetts goes very much further and seeks to make a Congressional invalidation of contracts for personal service held in those islands.

Mr. SPOONER. If the Senator will permit me, the amendment provides that no proceeding shall be maintained specifically to

enforce any contract heretofore or hereafter entered into for personal service or to criminally punish a violation thereof. That is the amendment.

Mr. MORGAN. The repeal of the statutes on that subject in Hawaii and the introduction of the laws of the United States cover the whole case absolutely and make the amendment unnecessary.

Mr. SPOONER. I am speaking of that amendment.

Mr. MORGAN. I think the amendment in the language in which it is couched is a dangerous one to personal rights and private interests there that are legitimate. But I do not care to stop the course of my argument upon this matter to enlarge upon that point. I am addressing myself entirely to the question of the judiciary.

Mr. SPOONER. I beg the Senator's pardon for interrupting him.

Mr. MORGAN. But in regard to the enforcement of the law restricting immigration from China and restricting labor-contract immigration from Japan and India or Australia or anywhere else, ought there not to be in the islands of Hawaii a jurisdiction that has unquestionable power to deal with that question? Now, the jurisdiction that is conferred in this bill or the jurisdiction that was conferred in the statute giving the power to the supreme court of the Territory is not adequate to these two questions to which I have just adverted—the restraint and the control of immigration from China, which is prohibited, and all contract-labor immigration from Japan or any other country. The difficulty we have had in restricting Chinese immigration is that it has scattered itself along the whole coast of the United States and even around to north of the British boundary and perhaps south of the boundary with Mexico, and the persons who are prohibited from coming in here from China have percolated through these boundary lines, and we have had to exercise a good deal of vigilance and to employ a number of officers in order to check and prevent an influx of Chinese, and the courts have had to exercise a very earnest power—I was about to say arbitrary power, and it would be arbitrary but for the statute in the control of this immigration.

Now, sir, can we have a better protection against these two evils—for they are so declared by the national law—than to have at Hawaii, a point where all these ships touch, a district court of the United States fully empowered by our statutes to deal with this question; and if we have a district court, is it not one that naturally and necessarily is independent of all local influences in Hawaii which might be in favor of the admission of Chinese immigration for the sake of its labor and of labor-contract immigration from Japan? Where is there a point in the United States where the power of the district court would be more available or more useful or more necessary than in Hawaii for this very purpose?

Then we will take up the importation of diseases from the Orient, that great pesthouse, that bed of generation of all the great dreads that ever visit humanity—the bubonic plague, cholera, the black plague, or whatever it is. In the approach of ships to the United States there ought to be an establishment of quarantine in Hawaii subject to the power and control of a Federal court, so that the authority of the United States might there be felt, far out from the land, and the importation of diseases might be stopped at that favorite possession. If the Philippines after a while become in a condition where the men who have annexed those islands are willing to take care of the interests of the United States and the local population, if it gets into shape, which I hope it will do very soon, we will find an absolute necessity for a court of this kind at Manila; and with a court of that kind at Manila and another one at Honolulu, and with the district courts that are on the coast above it there, we shall have our coasts remarkably well guarded, so far as the exercise of the judicial power of the United States is concerned, and but for that power we would not have them guarded at all.

I will not go over the argument I made upon this question yesterday, and yet it is an inviting field to me. I wish to say to the Senator from Connecticut and the Senator from Wisconsin that if they feel in conscience bound to reduce the tenure of the supreme court judges in Hawaii to four years and are willing to assume the expense of the judicial establishment there that they have provided for in the amendments that are proposed, if the Senators will withdraw their objection to this Federal court and let it stand there, I will feel that the people of the United States and its Government have got a protection there that can not be exercised properly and completely by these local courts of four years' tenure in Hawaii. Let us have in that part of the earth of which we are now taking jurisdiction and control a judicial establishment that is in some sense adequate to the wants of this great nation.

Shall we have supreme or circuit judges in the Territory, with short tenures of office, and have come before them all these great questions of admiralty law and maritime contracts, collisions, and questions about violations of the customs laws and the internal-revenue laws? Shall we impose upon those courts, that are now full of business and have all the work they can do, the difficulty of conducting this administration of justice in which the United States as a Government is so conspicuously and immediately concerned? Shall we pack it upon them and trust to a poor, weak, frail establishment the adjudication of all these great questions which must necessarily arise in Hawaii in consequence of its isolated position?

We are going very far indeed, if, consulting the past, we determine in our own minds that we will not grow or improve or increase it in any direction at all, and if we conclude that a court that is fit for Arizona, in the great American desert, is really fit for Hawaii, out in the bosom of the Pacific Ocean, 2,000 miles from us. Perhaps we can agree about that, but as a member of this commission and as a member of the Committee on Foreign Relations, after this subject has been so maturely considered I can not consent to do less than to have the Senate understand the whole field and vote upon it, as far as I am able to imform them, intelligently.

Mr. CULLOM. The Senate is pretty thin. I do not know whether there is a quorum here or not. I doubt if there is, but——

Mr. TILLMAN. The Senator can find out by having a call of the Senate.

Mr. CULLOM. It is evident the Senate does not desire to vote upon the question to-night, and I am inclined to think we may as well adjourn.

Mr. MORGAN. I hope the Senator from Illinois will ask for a day to decide this matter. Senators will never be in their seats until a day is appointed.

Mr. CULLOM. I should be very glad to have a day fixed when we can dispose of the case, if it is possible to do so.

Mr. COCKRELL. This is not an appropriate time to fix a day by a unanimous-consent agreement by which all Senators will be bound.

Mr. MORGAN. We have been doing it all the time.

Mr. CULLOM. Would there be any objection to such an arrangement?

Mr. COCKRELL. Let it be done in the morning, when Senators are all present, so that all Senators may hear and understand the agreement.

Mr. CULLOM. Unless there is a disposition to have an executive session, I will move that the Senate adjourn.

Mr. TILLMAN. I want to offer an amendment to the bill, so that I can have it printed and in shape for Senators to examine.

The PRESIDING OFFICER (Mr. PERKINS in the chair). It will be in the form of an amendment to the amendment.

Mr. TILLMAN. No, sir. It is a separate amendment to a separate and distinct part of the bill. It is not to the particular part under discussion now. I wish to offer it and get it in shape.

The PRESIDING OFFICER. If there be no objection, by unanimous consent the amendment will be received.

Mr. TILLMAN. I wish to strike out sections 59, 60, 61, and 62 of the bill dealing with the question of suffrage, and to substitute therefor the provisions of the present constitution of the State of South Carolina dealing with the same subject, including the registration laws of our State.

As the subject of the suppression of the colored vote in South Carolina has been brought prominently into this discussion, and as I have nothing to conceal and am ashamed of nothing in connection with it, and in order to give it the very widest possible circulation, I ask that the parts that I have marked here, which I offer as an amendment, from the constitution of our State and the parts of the bill which I ask to be stricken out shall be published in the RECORD in parallel columns, and let the people of the United States who read the RECORD see just what is being proposed here in the way of suppression of votes in the Hawaiian Islands and compare it with the South Carolina methods. I think we have improved on it down there somewhat, but, then, that is my opinion. I should like to get it before the country, however.

The PRESIDING OFFICER. The Senator from South Carolina desires to have printed a proposed amendment. If there is no objection, the amendment will be printed and lie upon the table for future consideration.

Mr. TILLMAN. I want it printed in the RECORD also.

The PRESIDING OFFICER. The amendment will also be printed in the RECORD. That is the understanding of the Chair.

Mr. PLATT of Connecticut. I hope the Senator will not ask to have them printed in parallel columns, as I do not want to get that practice in the RECORD. The Senator does not care for that?

Mr. TILLMAN. I have no objection to the two going in one after the other. Let the provisions of the Hawaiian bill precede the provisions of the South Carolina constitution, and then people can compare them.

The amendment proposed by Mr. TILLMAN is as follows:

Beginning on page 23 of the bill, strike out sections 59, 60, 61, and 62 in the following words:

SEC. 59. That each voter for representatives may cast as many votes as there are representatives to be elected from the representative district in which he is entitled to vote. He may cast them all for one representative, or may apportion them among the several representatives in such manner as he

sees fit: *Provided, however*, That any fractional division of a vote shall be void.

The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.

QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

SEC. 60. That in order to be qualified to vote for representatives a person shall—

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of 21 years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

Sixth. Be able to speak, read, and write the English or Hawaiian language.

METHOD OF VOTING FOR SENATORS.

SEC. 61. That each voter for senators may cast one vote only for each sent ator to be elected from the senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district.

QUALIFICATIONS OF VOTERS FOR SENATORS.

SEC. 62. That in order to be qualified to vote for senators a person mus possess all the qualifications and be subject to all the conditions required by this act of voters for representatives, and, in addition thereto, he shall own and be possessed in his own right of real property in the Territory of the value of not less than $1,000, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register, or shall have actually received a money income of not less than $600 during the year next preceding the 1st day of April next preceding the date of each registration.

And insert in lieu thereof the following:

SEC. —. All elections by the people shall be by ballot, and elections shall never be held or the ballots counted in secret.

SEC. —. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided*, That any person holding another office may at the same time be an officer in the militia or a notary public.

SEC. —. Every male citizen of this State and of the United States 21 years of age and upward, not laboring under the disabilities named in this constitution and possessing the qualifications required by it, shall be an elector.

SEC. —. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years; in the county, one year; in the polling precinct in which the elector offers to vote, four months; and the payment six months before any election of any poll tax then due and payable: *Provided*, That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State, otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in ten years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration, who can read any section in this constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to by the registration officer, shall be filed, one copy with the clerk of court and one in the office of the secretary of state, on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of state shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1, 1898, if otherwise qualified, shall be registered: *Provided*, That he can both read and write any section of this constitution submitted to him by the registration officer or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at $300 or more.

(e) Managers of elections shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated, or destroyed, if the applicant is still a qualified elector under the provisions of this constitution, or if he has been registered as provided in subsection (c).

SEC. —. Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

SEC. —. The following persons are disqualified from being registered or voting:

First. Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws: *Provided*, That the pardon of the governor shall remove such disqualification.

Second. Persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison.

SEC. —. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States nor while engaged in the navigation of the waters of this State or of the United States or of the high seas nor while a student of any institution of learning.

SEC. —. The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided*, That at the first registration under this constitution and until the 1st of January, 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the governor, by and with the advice and consent of the senate. For the first registration to be provided for under the constitution the registration books shall be kept open for at least six consecutive weeks and thereafter from time to time at least one week in each month up to thirty days next preceding the first election to be held under this constitution. The registration books shall be public records, open to the inspection of any citizen at all times.

SEC. —. The general assembly shall provide for the establishment of polling precincts in the several counties of the State, and those now existing shall so continue until abolished or changed. Each elector shall be required to vote at his own precinct, but provision shall be made for his transfer to another precinct upon his change of residence.

SEC. —. The general assembly shall provide by law for the regulation of party primary elections and punishing fraud at the same.

SEC. —. The registration books shall close at least thirty days before an election, during which time transfers and registration shall not be legal: *Provided*, That persons who will become of age during that period shall be entitled to registration before the books are closed.

Mr. CULLOM. Unless there is a disposition to have an executive session, I will move an adjournment.

Mr. PLATT of Connecticut. I should like to have an executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, February 26, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1900.

UNITED STATES ATTORNEY.

Francis H. Parker, of Connecticut, to be attorney of the United States for the district of Connecticut, vice Charles W. Comstock, whose term will expire April 1, 1900.

COLLECTOR OF CUSTOMS.

Herbert Morissey, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts, to succeed Daniel W. Andrews, whose term of office has expired by limitation.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1900.

INDIAN AGENT.

Joseph O. Smith, of Cortez, Colo., to be agent for the Indians of the Southern Ute Agency in Colorado.

POSTMASTERS.

Isaac Dyer, to be postmaster at Skowhegan, in the county of Somerset and State of Maine.

Nathaniel A. Burnell, to be postmaster at Cumberland Mills, in the county of Cumberland and State of Maine.

Lancetta L. Byram, to be postmaster at Liberty, in the county of Union and State of Indiana.

James W. Danser, to be postmaster at Freehold, in the county of Monmouth and State of New Jersey.

Edward Burroughs, to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey.

George A. Herrick, to be postmaster at Madison, in the county of Somerset and State of Maine.

Grant Coats, to be postmaster at Rockford, in the county of Mercer and State of Ohio.

Emil O. Ellison, to be postmaster at Lamoure, in the county of Lamoure and State of North Dakota.

Rufus Daggett, to be postmaster at Utica, in the county of Oneida and State of New York.

Charles E. Welch, to be postmaster at Phœbus, in the county of Elizabeth City and State of Virginia.

Cyrus E. Hipple, to be postmaster at Conshohocken, in the county of Montgomery and State of Pennsylvania.

Charles H. Ellsworth, to be postmaster at Hudson, in the county of Summit and State of Ohio.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 24, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of House bill 8245.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

Mr. CLAYTON of Alabama. Mr. Chairman, it is my intention to discuss this bill, the law applicable to it, and the questions that have grown out of the acquisition of new territory by the United States.

In the case of Puerto Rico

THE FACTS,

in brief, are that while the military forces of the United States were in occupancy of the island the Paris treaty was made and ratified by which the island was ceded to the United States by Spain. Therefore, as a matter of law and fact Puerto Rico belongs to the United States and is as much a part thereof as Arizona.

Puerto Rico certainly is not now a Spanish possession or dependency, and it is equally certain that the island is not an independent State or sovereignty. Confessedly, if it be a possession of any other world power or an independent State, the United States has no authority or right to legislate in regard to the island. And as an inducement for this Congress to do justice to Puerto Rico let us not forget that the people in that island have welcomed the dominion of the United States and now ask that Congress pass all necessary laws for them and the island that Congress may enact, having due regard for the Constitution, its authority, and its limitations.

THE PLANS PROPOSED FOR THE GOVERNMENT OF PUERTO RICO

are suggested in—

(1) The President's recent message to Congress, where he says it is—

our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets;

(2) The bill introduced on January 19, 1900, by the gentleman from New York [Mr. PAYNE], the leader of the majority on this floor, in which it is sought "to extend the laws relating to customs and internal revenue over the island of Puerto Rico ceded to the United States," so that there might be a free interchange of the products of our States and the products of Puerto Rico;

(3) The bill (H. R. 5466) introduced by the gentleman from Iowa [Mr. LACEY] and the joint resolution (H. J. Res. 115) introduced by the gentleman from Michigan [Mr. WEEKS], which furnish peculiar schemes of military government with some sort of subordinate civil attachments; and

(4) The bill introduced by the gentleman from Texas [Mr. HENRY], which frames a complete Territorial form of government for that island—such a government as the Constitution authorizes and such a government as the people of Puerto Rico desire.

THE BILL NOW UNDER CONSIDERATION

is entitled "A bill to regulate the trade of Puerto Rico, and for other purposes," and it provides (1) that the customs laws of the United States shall apply to Puerto Rico to the extent that upon all articles imported into that island from ports other than those of the United States the same tariffs, customs, and duties shall be paid as are now by law collected upon articles imported into the United States from foreign countries; (2) that upon the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 25 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries, and in addition thereto, upon articles of merchandise of domestic manufacture, and upon articles of United States manufacture coming into Puerto Rico, customs duties equal in rate and amount to the internal-revenue tax which may be imposed in Puerto Rico upon the same articles of Puerto Rican manufacture; and (3) that the customs duties collected in Puerto Rico in pursuance of this act, less the cost of collecting same, and the gross amount of all collections of customs in the United States upon articles of merchandise coming from Puerto Rico shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President, to be used for the government and benefit of Puerto Rico until otherwise provided by law.

THE AUTHORITY OF CONGRESS TO LEGISLATE FOR TERRITORIAL POSSESSIONS

is found in Article IV, section 3, paragraph 2, of the Constitution, which reads:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Or this authority to regulate or govern new territory is derived as an inseparable incident to the right of the United States to acquire territory. This power is stated by Chief Justice Marshall in the case of Insurance Company *vs.* Canter (1 Peters, 542) as follows:

Perhaps the power of governing a Territory belonging to the United States, which has not by becoming a State acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned. * * * In legislating for them Congress exercises the combined powers of the general and of a State government.

This bill neither disposes of nor regulates the territory or other property belonging to the United States. It amounts necessarily to an exercise of the power to govern and is kindred to all the powers to govern the Territory and its population because derived from the same source. It taxes, and as the power to tax is the highest power of government and is founded upon sovereignty, this bill, if enacted into law, is one way of declaring by Congress, following the treaty and cession made and obtained by the Executive and the Senate, that Puerto Rico is a part of the territory of the United States, to be dealt with by Congress, and entitled to the benefits of certain self-operating principles of the Constitution.

It is a pretense to say that the setting apart of the customs duties derived under this bill as a special fund to be used by the President for the government and benefit of Puerto Rico is a regulation of territory. And for two reasons: First, because the customs duties are to be derived not solely from articles imported from foreign countries, but also from duties imposed upon articles exported from the United States into Puerto Rico as well; and, second, the placing of a special fund at the disposal of the President as the Commander in Chief of the Army and Navy is not the regulation of territory. This bill is a tax measure and a questionable appropriation of money to be used by the military arm of the Government. No provision is made in it or by this appropriation for any government or regulation of Puerto Rico other than such regulation and government as the Commander in Chief is now enforcing, and this appropriation can not be the clothing of the Commander in Chief with any powers that the Constitution has not conferred or that Congress has not already given. In short, Mr. Chairman, this bill is not a regulation of territory, and if it be any regulation at all it is not entirely intra territorial, but it is extra territorial and affects the States of the Union as well as this particular Territory or island. The framers of the Constitution never intended that the States of the Union should be so discriminated against in favor of any Territory, and this power to regulate or govern a Territory, whether the power is expressed or implied, can not be so construed as to bring this bill within the constitutional purview.

CONGRESS HAS NO POWERS EXCEPT THOSE WHICH ARE CONFERRED

directly or impliedly by the Constitution, and this is true under every canon of construction adopted by any court in the history of American jurisprudence. The Federal Government has no power to tax any Territory except in cases provided by an express grant of power, or where the authority can be implied as a necessary incident of the express power—necessary for the execution of that which is expressly conferred. The States, acting through their delegates, wrote the Constitution; and the States, when they adopted the Constitution, formed the United States and fixed the Constitution as the guide forever for this Government, and there is and there can be no Federal Government outside of the Constitution. And while it is a Government of delegated powers, it is a Governmant also of limited powers. It is unnecessary to cite the tenth amendment to the Constitution or any other provision of that instrument to support so plain a proposition.

The Federal Government can act in all cases where it is authorized to act, but it can not act in any case where the authority is withheld or not granted, or where prohibited. It is as much a government of limitations as of authority. It has powers, but restraints are imposed upon its powers. This is true of the Government as a whole. It is true of each of the three coordinate departments of the Government. Congress may not do anything except what it is expressly or by fair implication in the Constitution authorized to do. It is limited by the reserved rights of the States, by the prohibitions of the Constitution, and by the principle that no department of the Federal Government can encroach upon the domain of any other department, and by the principles that underlie the American theory of government.

The Federal Government can not be a government of a written constitution when considering its relations to the States, and an absolutism, unbound by the Constitution, when legislating in reference to matters beyond the limits of the States.

To the student of our American system of government—the State and the Federal—a review of the powers of and the limitations upon the Federal Government should never become wearisome. To the conscientious member of this House who desires to observe that instrument which he has sworn to support a discussion of the provisions of the Federal Constitution in the consideration of any pending measure ought not to be abstract. Mr. Chairman, if the United States is not a government controlled in all cases by a written constitution, may it not become arbitrary and despotic whenever the agencies through which it acts elect to invoke the doctrine of inherent power? Where and how are the powers of the Federal Government conferred? In and by the Constitution and its amendments which was and were ratified by the States, each acting in its individual and sovereign capacity. In no other way could the Constitution have been adopted, and in no other way can it be amended, either by subtraction or addition. If this be not true, then where does the Government of the Constitution begin and where will it end? This Congress must look to the Constitution for the authority to pass any pending measure, and must not forget prohibitions and limitations.

This new idea of "inherent sovereignty" and of "plenary powers," of which we have heard much in this debate, ought not to drive a member of this House from the observance of the Constitution and those principles by which it has always been or ought to have been interpreted. The argument of necessity or of expediency, however subtlety may clothe it or the genius of refinement may maintain it, can not derogate the manifest purpose of the Constitution or the intention of the statesmen by whom it was framed. It is true that Congress is not like the British Parliament; and, Mr. Chairman, I refer to this because in the progress of this debate this Government has been likened by some members on the other side of the House to the British Parliament, and the powers of Congress have been alleged to be similar in some respects to those exercised by the British Parliament. The Parliament is a sovereign and constituent assembly.

It can—

To quote an English writer (Bryce)—

make and unmake any and every law, change the form of government or the succession to the Crown, interfere with the course of justice, extinguish the most sacred private rights of the citizen. Between it and the people at large there is no legal distinction, because the whole plenitude of the people's rights and powers resides in it, just as if the whole nation were present within the chamber where it sits. In point of legal theory it is the nation, being the historical successor of the folkmoot of our Teutonic forefathers. Both practically and legally it is to-day the only and the sufficient depository of the authority of the nation, and is, therefore, within the sphere of law, irresponsible and omnipotent.

In the American system there exists no such body. Not merely Congress alone, but also Congress and the President conjoined, are subject to the Constitution, and can not move a step outside the circle which the Constitution has drawn around them. If they do, they transgress the law and exceed their powers. Such acts as they may do in excess of their powers are void, and may be, indeed ought to be, treated as void by the meanest citizen. The only power which is ultimately sovereign, as the British Parliament is always and directly sovereign, is the people of the States, acting in the manner prescribed by the Constitution, and capable in that manner of passing any law whatever in the form of a constitutional amendment.

Opposed to the British theory of government is the American theory, stated by Judge Cooley in his work on Constitutional law, who cites Ableman *vs.* Booth (21 How., 506, 520), and United States *vs.* Cruikshank (92 U. S., 542), to be that—

The Congress of the United States derives its power to legislate from the Constitution, which is the measure of its authority, and any enactment of Congress which is opposed to its provision, or is not within the grant of powers made by it, is unconstitutional and void, and therefore no law and obligatory upon no one.

And the same author further declares, giving as authority Ex parte Milligan (4 Wall., 2, 120), that—

The Constitution itself never yields to treaty or enactment.

In the progress of this debate I have heard it asserted positively on this floor that this House is compelled to respect a treaty although it may conflict with what the House believes to be constitutional requirement.

Judge Cooley continues:

It never changes with time, nor does it in theory bend to the force of circumstances. It may be amended according to its own permission; but while it stands it is "a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances." Its principles can not, therefore, be set aside in order to meet the supposed necessities of great crises. "No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any great exigencies of government. Such a doctrine leads directly to anarchy and despotism, but the theory of necessity on which it is based is false, for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence."

It is asserted by the advocates of this bill that in legislating for and otherwise dealing with new territorial acquisitions the Federal Government has the

INHERENT POWER OF ABSOLUTE SOVEREIGNTY;

that its power to govern and tax these acquisitions is unlimited and plenary, subject only to the discretion of Congress. Some of them, I think, have cited the opinion in Murphy *vs.* Ramsey (114 U. S.) to sustain their contention, but the court there recognized the express and implied restrictions of the Constitution upon the Federal Government. I quote from the opinion:

The counsel for the appellants in argument seem to question the constitutional power of Congress to pass the act of March 22, 1882, so far as it abridges the rights of electors in the Territory under previous laws. But that question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final judgment. The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, *subject* only *to such restrictions as are expressed in the Constitution or are necessarily implied in its terms*

In the study of this question it will be interesting to read Reynolds *vs.* United States (98 U. S., 145); Cummings *vs.* Missouri (4 Wall., 277); Ex parte Garland (4 Wall., 333); Webster *vs.* Reid (11 How., 437); Dred Scott *vs.* Sanford (19 How., 393); American Publishing Company *vs.* Fisher (166 U. S., 464); Romney *vs.* United States (136 U. S., 1); Thompson *vs.* Utah (170, U. S., 343); Callan *vs.* Wilson (120 U. S., 547). In Mormon Church *vs.* United States (136 U. S., 1, 44), the justice who delivered the opinion of the court, in speaking of the powers of Congress to legislate for territory, said:

Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provision.

Mr. Chairman, it will not be denied that all powers of Congress are derived. A creature present but the creator absent and nonexistent can not be true. This creature, Congress, is necessarily restrained by all the limitations imposed by this Constitution, the creator, and it can do nothing that violates or disregards the limitations imposed by the creator. Congress has some discretionary powers, and in such cases may act as the necessity of the situation may require in exercising its discretion.

To illustrate: There are many rights and privileges enumerated in the Constitution for the enjoyment of the people of a Territory, but it may be that while it is in a Territorial condition the inexperience, illiteracy, or other unfitness may disqualify them for the exercise and enjoyment of all the constitutional rights and privileges; and in such condition and under such circumstances Congress may select such of these constitutional rights and privileges as it would be safe and proper to grant to the people of the Territory, withholding others until the people become qualified for their enjoyment. But in no case can the discretion of Congress extend to legislation against the spirit, character, and genius of our constitutional Government.

So it may be affirmed that it has never been maintained by the courts and, so far as I know, never maintained by the Congress until this debate that the Government of the United States is in any respect clothed with absolute or plenary power; but, on the other hand, Congress is controlled by the Constitution and principles of our institutions.

THE POWER OF CONGRESS TO IMPOSE DUTIES, ETC.,

is derived from the provision of the Constitution which says that Congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. (Article I, section 8, paragraph 1.)

Congress has no other power to lay and collect taxes, duties, imposts, and excises. It is apparent, therefore, that all the power of Congress to levy and collect taxes is solely a derivative power, and can not consequently be an inherent power, as an inherent power is necessarily self-existing. This taxing power is limited by the public objects specified, as they have just been recited, in the Constitution. And this power is also limited by the other inseparable requirement that all duties, imposts, and excises shall be uniform throughout the United States.

Mr. Chairman, if "United States" means the States of the Union, then manifestly a bill for the government and benefit of Puerto Rico solely and to build schoolhouses there, among other things, according to the statement of the gentleman from New York [Mr. PAYNE], is not a bill for the common defense and general welfare of the United States. If the United States means the States of the Union and the Territories, and if this bill is for the benefit of Puerto Rico solely, it can not be for the benefit of the entire United States. The Constitution or the taxing power therein can not be stretched so as to authorize the levy of a tax upon imports into the United States and upon exports therefrom into Puerto Rico for the exclusive benefit of Puerto Rico, nor can the power to govern and regulate Territories, together with the power to tax, be so construed as to warrant the conclusion that the taxing power is unlimited by uniformity as regards a Territory.

Again, this bill is obnoxious to the Constitution because it is an indirect way of levying duties upon the exports of the States of the Union. The bill conflicts with section 9, paragraph 5, of Article I, of the Constitution:

No tax or duty shall be laid on articles exported from the States.

The duties and imposts to be collected on articles from the United States imported into Puerto Rico is a tax or duty on articles exported from the State from which they came. The place of the collection of the tax does not alter the case. If the articles are exported from New York the tax is laid there on the articles so exported, for without exportation there would be no tax, although the tax itself is collected in one of the ports of Puerto Rico. There is no authority for the mere collection of this tax at a Puerto Rican port except the authority which grows out of the levying of the tax upon the articles exported from the State. The levying of the tax is the sine qua non to the collection. The collection is the mere correlative, the sequence of the power to levy the tax.

Again, and for argument sake admitting that the doctrine of uniformity of taxation is not applicable to a territory, still this bill is obnoxious to the section of the Constitution which requires uniformity for taxation "throughout the United States," for the ports of New York and Mobile are of the United States and are

in the territory covered by the provision "throughout the United States." This bill proposes to levy a tax upon articles exported from "throughout the United States" to a territory, or possession, if you please, of the United States. Think you, sir, that the States intended to confer such a power of discrimination in taxation upon the Federal Government? Have we forgotten the jealousies that animated the States in surrendering any taxing power to the Federal Government? We can not be blind to the intention of the framers of the Constitution. We can not forget the restrictions put upon the taxing power of the Federal Government by the States, and how they hedged around this power with limitations, and that the sole ground of this distrust was the fear of disregard of the rule of uniformity.

And again, the limitations upon this taxing power of the Federal Government is coextensive with the power. Wherever and whenever the one goes, the other must likewise go. The limitation, which is no more and, indeed, no less than the principle of equality and fairness in taxation, is as devoted to the power to tax as Ruth was to Naomi—

Entreat me not to leave thee, or to return from following after thee; for whither thou goest I will go, and where thou lodgest I will lodge. Thy people shall be my people, and thy God my God. Where thou diest, will I die, and there will I be buried. The Lord do so to me, and more also, if aught but death part thee and me.

Judge Story, in his work on the Constitution (volume 1, fourth edition, page 708), quotes from Loughborough *vs.* Blake (5 Wheaton, 317), saying:

The eighth section of the first article gives to Congress "power to lay and collect taxes, duties, imposts, and excises," for the purpose thereinafter named. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are, "but all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.

Mr. Chairman, let us be candid. It is

THE EFFECT OF LEGISLATING FOR THIS NEW TERRITORY

that has inspired this measure and invented new and un-American doctrines to sustain its provisions. It is manifestly founded upon political and partisan considerations. Let us face the situation and now acknowledge that if the Republic is to live and expand to the Eastern Hemisphere, the harmony of the Constitution must sooner or later prevail in the Philippine Islands, and as much so as in Massachusetts or in Alabama. Are you, the Representatives of the States of this Union, prepared to admit that this is desirable? I apprehend that you are not, for you have been careful not to say so. This bill marks a new epoch in the history of our country. Shall our Union grow so as to take in ten or a dozen or more new States in the Philippine Archipelago, or shall this bill mark the beginning of the downfall of the Republic, of constitutional government, and fix the advent of the empire?

Is this the meaning of the expansion you favor? In our past history all expansion embraced territory about which no question was raised that in due time the territory was to become States in the Federal Union. It being manifest that the acquisition of Florida, Louisiana, California, and Oregon was with the ultimate object of conferring statehood, no apprehension existed or was suggested that these territories or the people who might inhabit them would be held and ruled by Congress in Territorial government in perpetuity. For the first time in our history the question of keeping and ruling the population of a territory owned by the United States by Territorial government established by Congress in perpetuity confronts us. It may be admitted, for it is true, that the difficulties in dealing with Puerto Rico do not present the same objections and conclusive reasons as in the case of the Philippine Archipelago. It may be conceded that in the case of Puerto Rico, and possibly Hawaii, time, proximity, and American intercourse and settlement may qualify those territories for statehood. But in the case of the Philippine Islands I apprehend no political party that now exists or that may be hereafter organized will ever be bold enough to declare that the Philippine Islands can or will ever be admitted as a State or as States in the Federal Union.

Mr. Chairman, I call upon any member of this House belonging to either party to declare that in any event or under any circumstances or conditions he believes that the Philippine Islands can or ought to be or will be admitted as a State or as States into the Federal Union. The answer to this question furnishes the crucial test in the contention as to the disposition to be made of the Philippine Islands. If the Philippine Islands in no event and under no circumstances are to be admitted to statehood, then the question arises, Shall they be held by the United States in a territorial condition in perpetuity, or only held in a territorial condition under Territorial government until the people of the United States, through their Representatives in Congress, shall decide that the people of those islands have become qualified under American government for separate and independent self-government and, when so qualified, shall be allowed, under the supervision and control of Congress, to establish separate, independent government of their own?

I am convinced, as a Democrat, that when the Democratic party defines and declares its position in national convention—this position is already known—it will never concede that the Philippine Islands should be admitted to statehood on any qualifications for self-government they may acquire and possess, and that at the earliest time when it can be made known to Congress that the people of the Philippine Islands are qualified for self-government they shall be conceded the right of independent self-government. Probably the question as to when such qualification for self-government shall be decided by Congress can only be answered by time and trial. How much time and how much trial will be required for the final concession of independent self-government to the Filipinos may be left to the future. But we must now determine whether time and trial shall insure independent self-government to the Filipinos or whether they are to be held under Territorial government permanently. Territorial government in perpetuity or independent self-government is the far-reaching question that Congress must now determine. The American system or the old British colonial system must be applied to the Philippine Archipelago. I challenge the Republican party to answer what is its position—perpetual Territorial government or independent self-government for the Filipinos when they are qualified for independence. Which? One or the other of these results is unavoidable. The Republic must grow on constitutional lines and by constitutional authority, or it must grow by unrestrained military force, subservient not to the will of the people, but used and controlled as the caprice of a military commander may determine.

I challenge the Republican party to declare now what is its position upon these great questions. You never had a foreign policy during the incumbency of the present Administration. You have set your sails to catch the popular breezes and have drifted with the tide of events. You are to outward appearance drifting to-day. You do not know to-day what your policy is, except it be this policy—the permanent ownership of the Philippine Islands under a Territorial government in perpetuity—and you have not dared and you dare not now and will not dare in your next platform to avow as much. It is your purpose to pursue that course, and those who proclaim expansion loudest are its warmest advocates. [Applause on the Democratic side.]

We can not tax these acquisitions forever without representation without doing violence to the principles of liberty and justice which animated our forefathers in their struggles of 1776 against the mother country. The power to regulate or to govern the Territories must not be construed as authority for a departure from the ancient landmarks. The United States can not lawfully, without amendment to the Constitution, embark upon a scheme of colonial government.

And, indeed, Mr. Chairman, the United States can not expand except as the Constitution and the spirit of our institutions may authorize; and full and free constitutional government must be eventually accorded to all the lands that may come under the flag of our country. This is the inevitable consequence of expansion, and if we ignore it we are cowardly time-servers, guided alone by the voice of greedy commercialism, which is blinded by avarice, crying aloud for trade, knowing no law but the law of gain, and worshiping no God but the almighty dollar.

I quote from an excellent commentator on the Constitution, a distinguished Virginian, one of the great number of distinguished Virginians, a gentleman who for a number of years adorned by his learning and helped to guide the proceedings of this House, Mr. Tucker. I read from Tucker on the Constitution:

Again, we have seen that, pending the session of the convention in July, 1787, the Confederation Congress passed the ordinance of 1787, which showed what was deemed necessary, not only in the disposition of the property, but in the organization of the territory for settlement and colonization. This trust as to the land as property, and as the seat of civilized life, was intended by this clause to be the disposition and regulation of the territory prescribed in this clause. The view is strengthened by the associated clause as to new States. Congress was to admit new States formed out of this very territory, for which the ordinance had been passed. Congress, as the trustee for the States, may dispose of the property as a common fund for the United States, as provided for in Virginia's deed of cession. But it must do more; it must so rule the territory as a domain for colonization by all the States, who are coowners, as to enable them to form civil bodies politic, self-sufficient and autonomous, to enter into the Union as free States and coequal members.

Congress could exercise a double power—that of regulating the property and that of aiding the communities who had bought and settled upon it to organize bodies politic for the government of their society. Scattered over this territory, how can the embryo societies organize themselves without the superintending aid of those to whom the territory belongs? Can any one State do this? That would be to exclude the power of others equally entitled. Can all do this as separate, distinct States undertaking to do it together? That is impracticable. Who must do it? The organ, the trustee of the States under the power granted to them by the Constitution. And by the terms of this clause, as the mere property right does not reach the case, then the right and duty of admitting these communities, when completely organized as States, into the Union makes the duty of Congress to control them by its governmental power an inevitable inference. If this were not done, the temporary squatters upon the territory would have to improvise an organization and regulate the affairs of the territory according to their own will. This course of reasoning has led to a conclusion which has had the largest judicial sanction. The power of Congress to govern the Territories

of the United States, whether or not based on the same course of reasoning in all cases, has been adopted as an undoubted conclusion. This being so, what limitation may be admitted upon the power of Congress in the government of this common territory held by Congress in trust for all the States equally? It belongs to the United States; Congress is a trustee to manage it for these equal partners.

And the editor in the footnote to the text cites the decisions of the courts bearing on the subject.

Mr. Chairman, we have come to the point where we must

CHOOSE BETWEEN A REPUBLIC AND AN EMPIRE.

The Democratic party, to which I belong, has already, through its national committee, at its meeting held in this city on the last anniversary of the birth of George Washington, declared its position on this great question, for in the call for the assembling of the next national convention of that party—

conservative citizens of the United States, irrespective of past associations and differences, who can unite with us in the effort for pure, economical, and constitutional government, and who favor the republic and oppose the empire, are cordially invited to join in sending delegates to the national convention.

You who seek by misconstruing the Constitution to ingraft upon the Republic a colonial scheme are not bold enough to attempt it by proposing a constitutional amendment, but you seek to do it by the insidious method of adding to the Federal Government powers it does not possess. Your purposes can not long deceive the American people, and when the light of public consideration is turned upon your plots and plans, the Constitution-observing and liberty-loving American people will smite you hip and thigh, and with just and righteous indignation drive you from the temple the fathers have builded. [Applause on the Democratic side.] Unswerving observance of the Constitution is the price that we must pay to hand down the Republic unimpaired as a heritage to our children's children.

Disregard of the Constitution will grow into a contemptuous defiance of that great instrument, and this defiance will wax stronger and stronger, until the Constitution shall become nothing more than an historic memory. An absolutism will sit enthroned upon the ruins of the Republic and wield the scepter of military power over a land now the asylum of the oppressed and the abiding place of a free and self-governing people. Against such a possibility let us, fellow Americans, now oppose ourselves. Here and now let us defeat this unconstitutional, this un-American, this audacious and unjust measure. A measure unjust to the people of Puerto Rico; unconstitutional, though designedly plausible; audacious, but insidious, and dangerous because it is to be taken as a precedent for the guidance of this Government. God bless and defend the Republic! In powers it is ample for the common defense and general welfare of 75,000,000 of living Americans and for their multiplied children, but not ample enough in its powers to deny forever self-government to any people whose substance it takes by taxation enforced by armies.

Let the Government of the United States be guided forever by the Constitution and the gladsome light of American jurisprudence; let us not contemplate an empire whose pathway is to be illumined by the gleam of bristling bayonets. [Applause.]

America, composed of forty-five States, mayhap of fifty, is better for us and those that are to come after us than an empire with a flag emblazoned by myriad stars signifying nothing but governmental grandure trampling under foot the happiness and independence of the individual citizen. This simple Republic is far better than a splendid empire with colonies belting the globe with its power but leaving fair Columbia on the Western Hemisphere to weep over the torn and scattered fragments of our dual government, State and Federal, the greatest experiment and the grandest failure of all time. [Prolonged applause on the Democratic side.]

Mr. Chairman, the gentleman from Tennessee [Mr. RICHARDSON] yielded me forty-five minutes of the time under his control, and the gentleman from Louisiana [Mr. ROBERTSON] yielded me thirty minutes. I see that I have consumed but fifteen minutes of the latter time, and therefore I will reserve the remainder of my time, and will, at the proper time, yield it to the gentleman from Louisiana [Mr. BROUSSARD].

Mr. TAWNEY. Mr. Chairman, I have been most profoundly impressed with the great importance of the questions involved in this discussion. Until yesterday these questions have been considered by gentlemen on both sides of the House with the sincerity, and earnestness that should characterize the discussion of questions of so great importance, and the dignity of the forum in which they are to be tried. I regret that it was left for the gentleman from Maine [Mr. LITTLEFIELD], who, I see, is not now in his seat—I regret, I say, that it was left for him to play, in this great debate, the part of a buffoon for the benefit of the Democratic party, and for the amusement of the galleries.

Mr. RICHARDSON. I call the attention of the gentleman to the fact that the gentleman from Maine [Mr. LITTLEFIELD] is now in his seat.

Mr. TAWNEY. The Democratic applause with which that peculiar affectation of voice was received on yesterday would not have greeted a speech made upon the pending bill by that late peerless American statesman and always loyal Republican predecessor of the gentleman from Maine. Neither the hope of notoriety nor the existence of legal technicalities could have induced that gentleman [Mr. Dingley] to have deserted the ranks of the Republican party and joined the ranks of the Democrats simply because his judgment respecting party policy did not coincide with the judgment of his associates upon the Ways and Means Committee or upon the floor of this House. Nor could he have been induced to have exhibited that want of decent courtesy toward the members of that committee or his colleagues upon the floor of the House which the gentleman [Mr. LITTLEFIELD] exhibited in the course of his remarks by questioning their motives and accusing them of garbling legal quotations and playing the part of demagogues.

What is the excuse which the gentleman offers for this unusual, and I might say, unprecedented course? What is his justification? He tried to make this House believe that it is because in seeking to pass this bill we are attempting to impose a tax upon the people of Puerto Rico, or exacting tribute of them, and also because, according to the peculiar logic of this backwoods lawyer, as he calls himself, this bill is unconstitutional. But in the course of his remarks he told the House that if this bill is enacted into law the spruce lumbermen of the State of Maine, carrying their lumber to the island of Puerto Rico, will be obliged to pay a duty of 50 cents a thousand on all the rough lumber which they take to that island. It is not, therefore, a tax upon the people of Puerto Rico, but the tax which this bill imposes upon the products of his constituents that he complains of. That is one of the reasons why the gentleman can not agree with his party associates in imposing a duty upon American products going into the island of Puerto Rico, although he knows that every dollar of that duty is segregated from the revenue of our Government and paid over to the people of that island for their benefit and for the maintenance of their government, thus relieving them from burdens they can not now bear.

And if the theory which he as a Republican and a protectionist has always advocated—that is, if the man who imports pays the duty—then this tax upon, American products going into Puerto Rico and upon the products of that island coming into the United States is paid out of the profits of those engaged in that trade. It is not therefore a tax upon the people of Puerto Rico that has occasioned his fierce opposition and unjustifiable assault upon the committee that reported this bill.

FREE TRADE WITH PUERTO RICO WILL BE OUR PERMANENT POLICY.

Mr. Chairman, when the Committee on Insular Affairs commenced the consideration of the questions pertaining to the revenue and government of Puerto Rico, I, like the gentleman from Maine [Mr. LITTLEFIELD], favored free trade between that island and the United States. I am in favor of that policy now as a permanent trade policy, but since I have learned of the deplorable financial and industrial condition of the people, their immediate necessity for revenue, and their hopeless inability to raise the same, I favor the passage of the pending bill as a temporary expedient, believing that it is my duty to do so. Many people from Puerto Rico appeared before the committee. We had General Davis before us, the military governor of that island. What is it, asks the gentleman from Maine [Mr. LITTLEFIELD], that caused the change of front on the part of the Ways and Means Committee on this proposition?

For my associates I do not pretend to answer. But, as for myself, I will tell the gentleman what prompted me to change my views with respect to the temporary trade relations between Puerto Rico and the United States. It was simply the facts as they were portrayed to the committee as to the present industrial, financial, and poverty-stricken condition of the people, and the fact that unless some measure of this kind is adopted, that island must be mortgaged at a high rate of interest or become a charge upon the Treasury of the United States.

They must have revenue to maintain their municipal and their insular government. How is that revenue to be obtained? Is there any other known way by which you can raise revenue to defray ordinary governmental expenses except by taxation? Is it not by that means that all Territorial, State, and National Governments are maintained? This revenue, then, must be raised either by direct or indirect taxation.

STATEMENT OF GENERAL DAVIS.

The statement of General Davis before the Committee on Insular Affairs as to the immediate necessity for additional revenue is this. This is what he said on the 10th of January, 1900, not what he said in his report made last September. I take it, therefore, that this is the present judgment of the Governor-General as to the amount of revenue needed, and also his best judgment with respect to the inability of the people of Puerto Rico to raise that revenue at this time.

General Davis said:

It seems to me that Puerto Rico has got to realize in some way $5,000,000 a year from taxes at least. It ought to be much more than that, but at least $5,000,000 for municipal government and insular government, including public works and schools. I would say a minimum of $1,000,000 a year for schools is the least we could have. But $5,000,000 is two and a half times—

Mark this, gentlemen—

Five million dollars is two and a half times more than I can collect from taxes, to say nothing of the hurricane, and perhaps five times as much as I can collect now. To bridge over that, means must come from somewhere, or this prostration will continue.

He also told us that on account of the terrible catastrophe that visited the island last August, two-thirds of all the current wealth of the island was wiped out of existence.

His exact statement was as follows:

But in August a calamity came upon the island, the like of which it is impossible to cite an example. I believe there have been similar calamities, but they are fortunately unknown to the people of the United States. In one day two-thirds of all the current wealth was obliterated; it was wiped out in one day. Everyone knows that such a calamity can not occur without disarranging everything commercial, industrial, and social. The disturbance of trade conditions by the change of sovereignty and the further disturbance by this calamity has left the island in a very grave industrial situation. The food issued by the orders of the President have continued and are continuing in a limited degree at the present time. It has left poverty and ruined houses, inability to restore them, and many other ills, following such a calamity, everywhere.

Now, the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Massachusetts [Mr. MCCALL] and all gentlemen upon the other side of this House who oppose the passage of this bill suggest as a substitute proposition free trade and one of two alternatives by which the money necessary to maintain their government can be obtained—either bond the island or appropriate the money direct from the Treasury of the United States.

NEITHER ALTERNATIVE WOULD BE JUST OR WISE.

In either case, according to the statement of General Davis, the amount necessary should not be less than $10,000,000, and in the judgment of others it should not be less than $16,000,000.

Now, suppose we attempted to meet this emergency by extending to a people 85 per cent of whom can neither read nor write the power to mortgage their island for the purpose of defraying the expenses of their government, what would have occurred? Those on the other side of this House and all the anti-expansionists throughout the country would have immediately said that we had started out on a policy of retaining our insular territory for the benefit of the people of the United States and turned the inhabitants over to the merciless greed of heartless bondholders.

Mr. GROW. To organized greed.

Mr. TAWNEY. As the gentleman from Pennsylvania well remarks, they would cry out that we have turned them over to organized greed. So that, in the judgment of those who reported this bill, it was not deemed wise or just to the people of Puerto Rico to adopt that alternative; nor do I believe 10 per cent of the American people would ever indorse the policy of retaining our newly acquired possessions and maintaining civil government therein by direct appropriations from the Treasury of the United States. Immediately the Democrats and anti-expansionists would have said, even though this was only declared to be our temporary policy, that we proposed to retain these islands and govern them by taxing the American people, and upon no principle of right or justice could a policy of this kind be defended.

General Davis, in substance, makes this further remark, in the statement from which I have read, that by no system of local taxation now in existence or which I could possibly devise can more than one-fifth of the necessary revenue be raised next year, and not more than two-thirds of the revenue necessary to defray ordinary governmental expenses and give the people the relief which their present condition imperatively demands.

Mr. Chairman, in view of that situation, in view of the present industrial and prostrate condition of the people in that island, the Ways and Means Committee of this House, whom the gentleman from Maine on yesterday charged with having acted in bad faith in bringing in this bill, deemed it for the best interest of the people of Puerto Rico, and just to the people of the United States, that we raise this necessary revenue by indirect rather than by direct taxation, and to obtain this revenue and remove as far as possible the present restrictions upon the trade of Puerto Rico and the United States, we take off 75 per cent of the duty now imposed by law. I want to say to every man upon the floor of this House that if the conditions would have warranted we would have taken off every cent of it.

Mr. SIMS. Will the gentleman yield to me for a question?

Mr. TAWNEY. I will.

Mr. SIMS. If the President was not informed as to the conditions of Puerto Rico when he sent in his annual message and made recommendations, and now is informed and has present information to cause a reversal of that recommendation, why does he not send a special message and give us the benefit of his recommendation and additional information?

Mr. TAWNEY. I am not the keeper of the President's confidences nor am I his adviser. I have not been there, either through the front door or the back door, for the purpose of finding out what the President's opinion on this question is. All I know is this: That almost simultaneous with the visit of General Davis on the 10th of January to the capital of this nation there was an entirely different sentiment, an entirely different opinion, in many high official quarters respecting the wisdom of adopting at this time the policy which was recommended in the message of the President of the United States under the conditions as we now know them to exist.

But I say this to the gentleman from Tennessee, that whether that recommendation was made upon the report of General Davis last September or whether the recent visit of the governor-general has effected a change in the judgment of those who recommended a different policy than now proposed, I come to this House in the capacity of a representative of 200,000 people. I come here expecting to consider and give due weight to the recommendations of our Chief Executive; but if, after such consideration, in my judgment and in the judgment of the majority of my party, it is not deemed wise or expedient to follow those recommendations, I shall never hesitate to follow my own judgment and the combined judgment and wisdom of my party in this House [applause on the Republican side], especially when, as in this instance, I have reason to know I am acting in accord with the wishes and judgment of the President at this time.

FOR WHOSE BENEFIT ARE THESE DUTIES IMPOSED?

Now, Mr. Chairman, I want to call attention to another fact that does not seem to be generally understood.

Every dollar of the revenue collected under this bill, whether collected at the ports of Puerto Rico or in the ports of the United States, under the provisions of this bill, is segregated from all other revenues of the Government and turned over to the people of Puerto Rico to be used in defraying the expenses of their government and to enable them to make such internal improvements as are necessary to better their present condition. Not a dollar of it is retained, and if the theory of the protectionists is true—and I do not and never have doubted it—then the sugar and tobacco trusts that now control and will export these products to this country will pay 25 per cent of the present duty on their sugar and tobacco, and the people in the United States who export their products to Puerto Rico will pay the remainder of the revenue collected under this bill.

It is only in such specific instances as the gentleman from Maine [Mr. LITTLEFIELD] alluded to yesterday that there is any complaint with respect to this proposition. There is a sentiment among the people in certain parts of the United States against this bill, a sentiment based upon the supposition that by the ordinary system of local taxation a sufficient amount of revenue may be derived for the purpose of paying the ordinary governmental expenses of the island and for other purposes, and that this measure is not necessary, and that therefore we propose to levy tribute upon the people of Puerto Rico. Upon such false statements and misrepresentations as these largely rests the sentiment against the passage of this bill. Instead of that being the purpose of this bill, it is intended and proposed to do just the opposite. The fact is, my friends, no other way can be devised for raising the revenue necessary for the maintenance of insular government in the island of Puerto Rico that will not be a serious burden upon the people of that island and a burden which they can not now bear.

Mr. WM. ALDEN SMITH. Did the committee go into the question of municipal taxation to find out whether it was equitably levied and whether we could derive any greater revenue from it?

Mr. TAWNEY. The committee did, and the hearings were printed and taken into consideration by the Ways and Means Committee. That matter was fully explained by General Davis.

Mr. WM. ALDEN SMITH. It has not been explained to the House, and I want to know whether the present plan of municipal taxation exhausts the Government resources in that direction?

Mr. TAWNEY. If the gentleman was not here when I referred to that matter, I will have to repeat what I have said.

Mr. WM. ALDEN SMITH. Oh, I beg the gentleman's pardon.

Mr. TAWNEY. General Davis made this statement, that by no system of local taxation now in existence upon the island, by no system of local taxation he could devise, could he possibly raise more than one-fifth of the necessary revenue in the next year and two-thirds of it in the two succeeding years.

Mr. WM. ALDEN SMITH. That is based upon the present value of lands in Puerto Rico.

Mr. TAWNEY. Yes; on the present value of lands in Puerto Rico, with the system of taxation they have in vogue.

Mr. WM. ALDEN SMITH. I want to make this suggestion to the gentleman if it does not interrupt him too much: Under reciprocity with Puerto Rico the land of Puerto Rico greatly increased in value. The result was and is that with closer trade relationship higher values result and more revenue may be collected by municipal taxation.

Mr. TAWNEY. My friend must bear in mind this fact, that the conditions which exist there to-day are not normal——

Mr. WM. ALDEN SMITH. I am aware of that.

Mr. TAWNEY (continuing). From two causes; and that in the judgment of the Governor-General of the island the necessity for this revenue is immediate. We can not wait until the island recovers from that condition of prostration in which it now is.

Mr. WM. ALDEN SMITH. That being the case, is there any objection to making the policy proposed by this bill applicable for two years until this condition is relieved or bridged over?

Mr. TAWNEY. None whatever; but my friend from Michigan knows as well as every other member of this House that the next Congress can repeal this bill. Just as soon as that island recovers from the prostration that now exists the property and the business interests of the island can pay a tax sufficient to maintain their government without the aid of this measure. I have no doubt in the world that Congress will repeal it. This is not intended at all as a permanent policy, but it is for the purpose of meeting a necessity that can be met in no other way without mortgaging the island or taxing the American people. [Applause.]

Mr. THROPP. Will the gentleman permit me a question? If the people of the United States have to pay these duties, either directly or indirectly, why not make a direct appropriation now from the Treasury?

Mr. TAWNEY. For this reason, my friend. The people who enjoy the advantages and benefits of that trade pay the duties, and not the poor people throughout this country who do not participate in the profits of that trade. [Applause on the Republican side.]

Mr. WM. ALDEN SMITH. Is that answer applicable to the exports to Puerto Rico?

Mr. TAWNEY. It is.

Mr. Chairman, that is all I desire to say concerning the question of expediency. I have occupied more time on this branch of the question than I intended, and I shall now proceeed to discuss generally the propositions before this House involved in the pending measure.

THE SOURCE AND RESPONSIBILITY FOR EXISTING PROBLEMS.

But first let us refresh our recollection as to the source and responsibility for the great problems confronting this Congress. They are the direct and unavoidable consequence of a foreign war, a war instituted, not by any political party, nor as the result of political action, but by our National Government in defense of national honor and in obedience to the universal demand of the people, regardless of party or section, and upon the unanimous vote of their Representatives in both branches of the Fifty-fifth Congress.

Now that we are called upon to face the incidents of that war and solve in a practical way the problems thus bequeathed to us, we find the people's representatives in this Congress divided. Those upon the other side of the Chamber, whose responsibility for the existence of these difficult problems is equal with ours, are striving to evade their share of that responsibility by opposing everything which they think contemplates the permanent retention and government of the territory acquired as one of the incidents of a war initiated to accomplish the grandest purpose that ever moved a nation to arms. Instead of sharing manfully and courageously this new responsibility, they present to the country and to the world the humiliating spectacle of advocating the policy of abandonment, a policy they themselves would have been ashamed of and would have denounced as cowardly and dishonorable could these same consequences have been seen the day we declared war as clearly as they now appear.

Or, if their party was in control and had to deal with these consequences, how many of them would dare advocate this policy? Had you known upon that memorable day when, as one man, we all forgot party and in a spirit of patriotism rose upon this floor and recorded our solemn declaration of war against Spain that every consequence which has since followed that act would inevitably occur, including the acquisition of territory and the government of a race foreign to our own, there is not one of you who would not have blushed with indignation and shame had any member upon either side of the House voted against that declaration because he imagined that in the consequences of that war he could see imperialism or a violation of the Constitution in the acquisition of that which we had no constitutional right to acquire and the government of a people we had no power to govern.

As a Republican I welcome the party responsibility for a wise and generous and patriotic settlement of these momentous questions. Great as is this responsibility, the Republican party will be found equal to its performance. Never in its history has it sought to evade any responsibility or failed in the discharge of any public duty when in control of the Government. But as an American proud of his country, proud of its marvelous achievements in peace and its matchless victories in war, I sincerely regret that our friends do not accompany us in dealing with the incidents of a foreign war they longed to precipitate and enthusiastically joined in declaring. I regret that they have allowed a party exigency to drive them into a position which, as I shall show, no political party in the history of our country has ever occupied respecting newly acquired territory, its government, or the political status and rights of its inhabitants.

THE SPECTER OF IMPERIALISM.

In the pending measure and in the majority report which accompanies it these gentlemen imagine they see the evidence of a purpose to hold Puerto Rico and the Philippine Islands not as embryotic States, but to hold, rule, and govern them permanently as colonies under an imperialistic policy. With gentlemen who think they see the evidence of a purpose to hold Puerto Rico permanently I have no controversy. We all know there is no other intention, no other purpose. Since the day we acquired this island no Democrat in either House of Congress or in the country has ever proposed its recession to Spain or the establishment of a government there independent of the Government of the United States. It is universally recognized that the moral purposes of our war with Spain demand that the island of Puerto Rico should no longer be a political plague spot in that otherwise purified Caribbean Sea, and also that the material interests of our people and the necessities of our commerce all demand that we should hold and govern this island because it lies at the gateway of that sea which, when the commerce of Asia is fully developed and the Nicaraguan Canal is built, will, both from a naval and a commercial view, become the most important ocean route on our planet. It is for this reason that our Democratic friends are not criticising either the acquisition or permanent retention of this island.

But so far as it is claimed that this bill or any other act on the part of the Republican party, or its representatives, affords evidence of a purpose to hold permanently and forever govern our newly acquired territory by an unrestrained or despotic power, or without reference to the future capacity of these islands to ultimately share with us all the blessings of political freedom and the beneficent advantages of statehood, I most emphatically deny. Ever since the acquisition of this Territory and the abandonment by the Democratic party of free silver as a live political issue the leaders of that party have sought to arouse the prejudice of some, and excite the fears of others, by vociferously proclaiming that in desiring to permanently hold and govern our insular territory the Republican party is placing athwart the pathway of American progress the grim specter of imperialism. [Applause on the Republican side.]

Although the gigantic outlines of this fallacy of mental vision is rapidly diminishing in the rosy dawn of the world's new day, and in the near approach of the campaign of 1900, yet there are a few distinguished leaders of that great party who fondly cling to the notion that this ghost, which they call imperialism, may yet be vitalized and made a living issue upon which to divide the American people and obtain for their party control of the Government. To accomplish this, however, you must employ something more than mere assertion or bombastic declamation; you must find something more tangible than the evidence furnished by the pending bill—a bill which merely contemplates the raising of sufficient revenue to enable the poor, distressed people of Puerto Rico to maintain, under the authority of the United States, a government and secure for their children and themselves the necessary means of acquiring a common-school education. [Applause on the Republican side.]

The fact that this is sought to be done by indirect rather than by direct taxation does not aid your political purpose, nor will the fact that a large part of the revenue thus obtained be contributed by the American people, thereby lessening the burdens of the people, and the property of this poverty-stricken island enable you to advance your prospects of political success by the demagogical cry of imperialism

No; there is nothing in this bill, there is nothing in the declaration of power to govern territory accompanying it, and there is nothing in the history of the Republican party that can by any process of legerdemain known to the Democratic party be framed into a purpose on our part to hold Puerto Rico and the Philippine Islands forever as dependencies.

THE FUTURE OF THESE ISLANDS UNKNOWN.

What man can forecast the future of these islands when brought fully under the influence of our Government and in contact with the example of our people, and who would say that in the future, distant though that future may be, the inhabitants of our insular territory may not acquire sufficient knowledge of our laws and institutions, may not be sufficiently taught the lessons of freedom and self-government, or that by degrees they "will not pass on through the childhood of republicanism, through the improving period of youth and arrive at the mature experience of manhood," aye, statehood? We can no more predict the future possibilities of these islands or the growth and prosperity of their inhabitants than did our forefathers correctly forecast the future of Louisiana and the inhabitants thereof.

Since acquiring these islands there has been no authoritative party utterance nor declaration on the part of the Government, or the Administration, that could be construed into a purpose or the evidence of a purpose of holding in any other way or under any other form of government our insular territory than that under which we have always held territory belonging to the United States, and for almost half a century have held and governed the territory of Alaska, New Mexico, and Arizona. The territorial extent of a nation's domain does not constitute imperialism. Imperialism is the forcible, despotic rule and dominion over states originally separate, whereby through vast provinces people are subjected to the rule of a despot.

It is this that strikes terror to the minds of so many at the mere mention of the word "imperialism." Knowing this, and knowing, too, that the word "free," either as a prefix to the word "trade" or "silver," has become useless as a Democratic shibboleth, and can no longer serve as a means of deceiving the American people, our Democratic friends now seek to attach to the policy of their opponents the word "imperialism," in the hope thereby of frightening the American people away from the support of the Republican party. [Applause and laughter.] Imperialism, in the sense of despotic rule, can never have a place in our Republic except by the destruction of the Republic itself and the extirpation of the American ideal. With such imperialism Republicanism is relentlessly at war. The conditions that necessarily produce imperial despotism can not and never will be tolerated in our American life. But I will tell the gentlemen what can be done, what the American people are doing and will ever continue to do. We can and we will make an imperial domain a republic.

THE EXTENT OF A NATION'S DOMAIN DOES NOT CONSTITUTE IMPERIALISM.

The mere acquisition of territory and its government by Congress in accordance with the spirit of our Constitution and the principles of American civil liberty is not a condition of imperialism. If it is, then imperialism has always been the policy of our Government. The seventh act that became a law under the Constitution of the United States added to the Union more territory than the whole area comprising the States then united, although, as I shall hereafter show, that act, which made that vast domain northwest of the river Ohio a part of the United States and gave to the inhabitants a despotic government, was enacted into law by the men who not only made the Constitution, but who also, on the 4th of July, 1776, in their immortal Declaration of Independence, declared that governments derive their just powers from the consent of the governed.

This act prescribed a government for the people inhabiting the "Northwest Territory" that was not only not republican in form, but which expressly violated their previous declaration by imposing upon the people of that Territory a government unrepublican in form and without the people having any voice either in its establishment or in its administration. If the charge of imperialism can be made against the Republican party of to-day, then you can with far greater consistency lay the same charge at the door of the fathers of our Republic and of every political party that has ever been charged with the responsibility of governing territory belonging to the United States. Those few narrow and conservative individuals who in 1803 opposed the acquisition of the Territory of Louisiana resorted to this same cry of "imperialism," not, however, for the purpose of prompting the Government to abandon the Territory, but for the purpose of preventing any portion of that Territory from ever being admitted into the Union as a State, claiming that it should be held and governed as a province.

The Government of the United States—

Said Mr. Griswold, a Representative from Connecticut—

was not formed for the purpose of distributing its principles and advantages to foreign nations. It was formed with the sole view of securing these blessings and advantages to ourselves and our posterity.

And when called upon to say how the Democratic party proposed to govern this territory and to define the relation of its inhabitants to the Government of the United States, Hon. Samuel L. Mitchill, a Democratic Representative from the State of New York, thereafter a United States Senator from that State, speaking for himself and for the Administration of Thomas Jefferson, said:

There was nothing compulsory upon the inhabitants of Louisiana to make them stay and submit to our Government. But, if they chose to remain, it had been most kindly and wisely provided that until they should be admitted to the rights, advantages, and immunities of citizens of the United States they shall be maintained and protected in the enjoyment of their liberty, property, and the religion which they profess. What would the gentleman propose that we shall do with them? Send them away to the Spanish provinces or turn them loose in the wilderness? No, sir; it is our purpose to pursue a much more dignified system of measures. It is intended, first, to extend to this newly acquired people the blessings of law and social order. To protect them from rapacity, violence, and anarchy. To make them secure in their lives, limbs and property, reputation, and civil privileges. To make them safe in the rights of conscience.

In this way they are to be trained up in a knowledge of our own laws and institutions. They are thus to serve an apprenticeship to liberty; they are to be taught the lessons of freedom, and by degrees they are to be raised to the enjoyment and practice of independence. All this is to be done as soon as possible—that is, as soon as the nature of the case will permit, and according to the principles of the Federal Constitution. Strange that proceedings declared on the face of them to be constitutional should be inveighed against as violations of the Constitution! Secondly, after they shall have been a sufficient length of time in this probationary condition, they shall, as soon as the principles of the Constitution permit, and conformably thereto, be declared citizens of the United States. Congress will judge of the time, manner, and expediency of this.

The act we are now about to perform will not confer on them this elevated character. They will thereby gain no admission into this House nor into the other House of Congress. There will be no alien influence thereby introduced into our councils. By degrees, however, they will pass on from the childhood of republicanism through the improving period of youth and arrive at the mature experience of manhood, and then they may be admitted to the full privileges which their merit and station will entitle them to. At that time a general law of naturalization may be passed; for I do not venture to affirm that by the mere act of cession the inhabitants of a ceded country become, of course, citizens of the country to which they are annexed.

Mr. ROBB. Will the gentleman allow me a moment?

Mr. TAWNEY. Yes, I will yield to the gentleman.

Mr. ROBB. I would like to ask the gentleman this question: If those people are not citizens of the United States, what are they?

Mr. TAWNEY. Ah, my friend, I anticipated that question. I want to say that what I have just read was not my statement. It was the statement of Samuel L. Mitchell on the floor of this House on the 23d of October, 1803, respecting the inhabitants of the Territory of Louisiana. Mr. Mitchell was a Democrat.

Mr. ROBB. It is immaterial to me whose statement it was. I want to know what you have to say on that question.

Mr. TAWNEY. I will come to that question.

Mr. ROBB. If those people are not citizens of the United States, are they citizens of any country? And if they are not citizens of any country, what is their civil status?

Mr. TAWNEY. I will answer the gentleman later in the language of men who were the contemporaries of the men who founded our Government.

Substitute here for the word "Louisiana" the words "Puerto Rico and the Philippine Islands," and this declaration of the policy of our Government under the Administration of Thomas Jefferson and the Democratic party in 1803 respecting the inhabitants of Louisiana is a perfect and exact description of the policy of the Government to-day under the Administration of William McKinley and the Republican party respecting the inhabitants of Puerto Rico and the Philippine Islands, as shown by the messages and other public utterances of the present Executive of the nation. Notwithstanding the third article of the treaty ceding Louisiana expressly provided:

The inhabitants of the ceded territory shall be incoporated in the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

Yet Jefferson and his party associates then declared that there was no purpose on their part to incorporate the inhabitants of Louisiana into the Union or to clothe them with the rights, privileges and immunities of American citizens under the Constitution until such time as Congress should deem it necessary and expedient to confer upon them such a political status and the civil rights thereby secured.

Where can you, modern disciples of a new Democracy, find in this Democratic announcement of a Republican policy any ground to charge that in adopting such a policy toward a people over whom the sovereignty of the United States has been extended, who for centuries have lived under the sovereignty and rule of a despotic power, we are departing from the policy or the traditions of our fathers? [Applause on the Republican side.]

ALL PARTIES RESPONSIBLE FOR ACQUISITION OF NEW TERRITORY.

Mr. Chairman, when Congress, by and with the advice and consent of William Jennings Bryan, ratified the treaty concluded at Paris December 10, 1898, ceding to us Puerto Rico and the Philippine Islands, we acquired this territory with the consent of the leaders of all political parties and in accordance with the Constitution and rules of international law and international morality. That we will hold and govern it in accordance with the spirit of the fundamental law of our land and the principles upon which our Government is founded is no less certain than that we possess it by every right known to the law of nations and the Constitution of the United States.

While, aside from the question of expediency, the bill under consideration presents but a single question, Has Congress the power to impose any duties upon the products of territory belonging to the United States when such products enter the ports of the United States, and the power to impose any duties upon the products of the States when their products enter the ports of such territory? yet the bill has been made the subject for the discussion of every question pertaining to the acquisition and government of territory and the political status and civil rights of its civilized inhabitants.

Upon the other side of this House gentlemen have contended, with much force and learning—

First. That the power of the United States to acquire territory

is limited to the acquisition of territory for the purpose of subsequently converting the same into States.

Second. That as soon as territory is acquired it becomes a part of the United States, and the Constitution and laws, of their own force, extend over the same.

Third. That, independent of treaty stipulations or Congressional enactment, the inhabitants of ceded territory, immediately upon its acquisition, become citizens under the Constitution and entitled to all the rights, privileges, and immunities enjoyed by citizens of the United States.

This, sir, is a fair statement of the position of the Democratic party as announced upon this floor, and, except the first two paragraphs, it places that party in a position respecting newly acquired territory and the status and rights of its inhabitants which no political party in the history of our country has ever occupied.

Not since the close of the civil war has any public question been considered more thoroughly or discussed with greater ability than have the propositions just stated. Every decision of the Supreme Court of the United States having any bearing whatever has been cited and commented upon. But with one exception no decision of that court has been found, and none can be found, that involved and therefore decided the question of the relation of territory to the United States, the question of the extension of the Constitution and laws to territory as soon as acquired without Congressional enactment, or the question of the citizenship of the civilized inhabitants of such territory. But all of these questions have been repeatedly decided by the legislative branch of our Government, and the position which we occupy to-day with respect to the relation of our new territory to the United States is identically in line with the legislative determination of this question by previous Congresses.

THE RIGHT TO ACQUIRE TERRITORY AN INCIDENT OF SOVEREIGNTY.

Since the formation of our Government the power to acquire territory has never been successfully denied. The only controversy that has ever existed respecting this question has been as to the source of the power and the purposes for which it may be exercised. So far as the question of the right of acquisition is concerned, the Supreme Court of the United States has repeatedly recognized that power. In view of these decisions, which hold that the power to acquire may be traced to either one of two sources, and that this power in its very nature can not be limited to any specific purpose, I shall not take the time of the House to discuss at any length the position taken by our friends on the other side upon this branch of the question.

The powers and the rights of the sovereign nations of the world are equal. National constitutions as between nations are unknown. The United States in its external or international relations is assumed by all other sovereignties to possess absolute powers unrestrained by constitutional limitations. Possessing, therefore, every attribute of national sovereignty, and, as said by Justice Lamar (135 U. S., 84), "the Federal Government being the exclusive representative and medium of the sovereign nation," it follows that any power possessed by any sovereignty is possessed by the United States and, unless specifically prohibited by the Constitution, can be exercised without restriction by the Federal Government.

It is true that the war and treaty making power is in express terms given by the Constitution to the nation. But the war and treaty making power is not created by the Constitution; it merely designates the agencies for its exercise. It will not be assumed that had such agencies not been designated our nation could not have waged the wars and made the treaties of our history. A nation needs no express grant of power for an international act, and it has specific authority for but very few.

The right to acquire territory, irrespective of its location, contiguous or foreign, by conquest, treaty, purchase, or discovery, is an acknowledged and well-established attribute of sovereignty and has been exercised by the sovereign nations of the world from the beginning of history. No one will pretend to say that this inherent and unlimited right of sovereignty is specifically renounced in the Constitution or is limited to the acquisition of territory only for a specific purpose. Hence it remains an unlimited attribute of the sovereign people of the United States, and Congress and the President have been designated by the people as the sole and exclusive agents to whom has been delegated the exercise of this sovereign right.

THE RIGHT TO GOVERN A NECESSARY INCIDENT.

If, then, the right to acquire exists, either as an incident of national sovereignty or as one of the implied powers of the Constitution, the right to govern is a necessary incident of the right to acquire and is restricted only by those limitations which, as Justice Bradley, in Mormon Church *vs.* The United States (136 U. S., 134), says, are—

Those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments. But—

As he says—

these limitations would exist rather by inference and the general spirit of the Constitution from which Congress derives its powers than by any express or direct application of its provisions.

The personal rights and the privileges and immunities here referred to by Justice Bradley are not left in the realm of speculation. They have been very clearly and very ably stated by Justice Washington, of the Supreme Court of the United States, in the case of Corfield *vs.* Coryell (4 Wash., C. C., 380).

TERRITORY WITHOUT CONGRESSIONAL ENACTMENT NOT A PART OF UNITED STATES.

If the mere acquisition of anything does of itself make that thing a part of that which acquired it, or if the mere act of acquiring territory makes such territory a part of the United States, without any Congressional enactment, then it is immaterial how that territory is acquired. The Constitution and laws of the United States necessarily extend over it and by their own force, the same as this Constitution and these laws extend throughout the United States. On the other hand, if, as we claim, this territory in the language of the treaty was ceded "to" and not as a part of "the United States," the relation of that territory to the acquiring Government and its jurisdiction remains as fixed by the treaty until in the exercise of its power Congress changes that relation by declaring that it shall be a part of the United States and extends to its inhabitants the Constitution, which was made, as Judge Cooley has well said, "for the States, not for Territories."

The soundness of this contention and the whole question at difference between us in this discussion rest entirely upon the sense in which the term "the United States" was originally used in the Constitution. In view of the very learned discussion of this phase of the question on the part of my colleagues upon the Committee on Ways and Means, it is hardly necessary for me to even attempt to add anything to that discussion, but there are some historical facts bearing upon this question which, to my mind, are conclusive, and remove every possible doubt that any unprejudiced mind may have as to the sense in which the term "the United States" was used in the Constitution, and the relation of territory to the United States as understood by the framers of that instrument.

And right here I want to call attention to a very remarkable fact that occurred on yesterday during the speech of the gentleman from Maine [Mr. LITTLEFIELD]. When the gentleman reached that branch of his constitutional argument he amused the House and the galleries for almost five minutes with a play upon words involving the term "United States." I supposed, as did others, that he was going to dispose entirely of the question of the sense in which the term "United States" is used in the Constitution without further argument. But, much to my surprise, the gentleman consumed three-quarters of an hour by the clock in discussing that question to prove that it included territory as well as States, and left it in a state of more nebulous uncertainty than anyone who has undertaken to discuss it.

In what I have to say on this branch of the question I shall not allude to a decision of the Supreme Court. But I want to call attention to some of the contemporaneous acts and constructions by the legislative branch of the Government, and ever since followed, for the purpose of ascertaining the true sense in which the term "United States" was used and the relation of territory thereto.

Outside of the Constitution there are but two reliable sources to which we may go to ascertain the true sense in which this term is used in the Constitution, and whether or not it was the intention of those who framed and adopted it to include territory outside of the area comprising the States that were then united. First, the contemporaneous construction; second, the judicial interpretation of the provisions of the Constitution relating to territory and its government.

CONTEMPORANEOUS CONSTRUCTION SHOULD CONTROL JUDICIAL MIND.

In the dissenting opinion of Justice Curtis in Scott *vs.* Sandford (19 Howard, 616) this eminent justice of our Supreme Court said:

A practical construction, nearly contemporaneous with the adoption of the Constitution and continued by repeated instances through a long series of years, may always influence and in *doubtful cases should determine the judicial mind on a question of the interpretation of the Constitution.*

In support of this proposition Mr. Justice Curtis cites numerous decisions of the Supreme Court of the United States.

In view of this universally recognized rule of construing our fundamental law, and in view of the doubt that seems to exist in the minds of some, we may well ask, what did the men who made and the people who adopted the Constitution do and say, prior to, at the time, and subsequent to the adoption of that instrument, with respect to the area to be included in the term "the United States?"

THE FIRST USE OF THE TERM "UNITED STATES."

Between the time of the first meeting of the Continental Congress and the Declaration of Independence the term "United Colonies" was used and had come into general use. The first time that this term was used in any official document or declaration was June 7, 1775, Journal of Continental Congress, volume 1, edition of 1777, page 114.

The first time that these colonies are referred to in the proceedings of the Continental Congress by the term "States" was on June 10, 1776, when it was resolved that a committee be appointed to prepare a declaration "that the United Colonies are, and of right ought to be, free and independent States." And the first time in the history of our Government that the term "United States" was used in any official declaration or document was in the last paragraph of the Declaration of Independence: "We, therefore, the representatives of the United States of America," etc. The same Congress that made this declaration, on the 11th of June, 1776, by resolution, appointed a committee to prepare articles for a confederation to be entered into between the "colonies." The report of this committee was debated from time to time until the 15th of November, 1777, when the Articles of Confederation were finally agreed to. Congress at the same time directed that these Articles of Confederation should be proposed to the legislatures of the States. And Territories? No; to the legislatures of "the United States."

[Here the hammer fell.]

Mr. PAYNE. I ask unanimous consent that the gentleman from Minnesota [Mr. TAWNEY] be allowed to conclude his remarks.

There was no objection.

Mr. TAWNEY. The first article reported by this committee and adopted by the Congress is as follows:

The style of this confederation shall be "the United States of America."

In submitting these articles to the legislatures of the several States of "the United States" Congress declared, among other things:

Whereas the delegates of the United States of America in Congress assembled did * * * agree to certain articles of confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.

Then, to make definite and certain what area should constitute "the United States," the preamble to the Articles of Confederation recites as follows:

Articles of confederation and perpetual union between the States of New Hampshire (specifically naming the thirteen States whose independence was declared on the 4th of July, 1776).

WHEN TERM FIRST USED UNITED STATES OWNED NO TERRITORY.

At this time "the United States" mentioned in the Declaration of Independence, in the preamble to the Articles of Confederation, in the first article of the Articles of Confederation which gave the Government its name and style, and in the declaration which accompanied the articles to the several State legislatures, did not own a foot of territory in common. Will some gentleman who now claims that this term includes both States and Territories explain how a name can include that which did not exist when that name was first used to designate the Government of the United States? If this term did not in these several declarations, resolutions, and statutes include territory then, where and by what authority has it since been broadened so as to include that term?

When this term was used in the official utterances of the founders of our Government all the territory was owned by each individual State. In fact the provisional and the definitive treaty that Great Britain made with the United States while the Articles of Confederation were in force and by which the sovereignty of Great Britain over the territory of the United States was transferred ceded that territory not to the United States but to the States collectively, specifically naming each State, so that the title and jurisdiction over the public domain was vested exclusively in the States and sovereignty and dominion throughout this territory was exercised by the States. So careful was the Congress of the United States that prepared the Articles of Confederation to preserve the rights of the several States and the territory which they claimed that they incorporated at the end of Article IX the following proviso:

Provided also, That no State shall be deprived of territory for the benefit of the United States.

Can anything be clearer, then, than that the true sense in which the term "United States" was used up to this time was that it was used as a collective name for the States that had united for the purpose of establishing a national government, or that this term did not, as then used, include anything but the area comprising the States? The legislatures of some of the States insisted that before their representatives should be authorized to bind them by ratifying the Articles of Confederation these articles should be amended. The State of Maryland, the State of Massachusetts, and the State of New Jersey all objected to this proviso at the end of Article IX. Their representatives in Congress each proposed to amend the proviso at the end of Article IX as follows:

After the words "for the benefit of the United States" add, "*Provided, nevertheless*, That the lands within these States, the property of which before the present war was vested in the Crown of Great Britain, or out of which revenue from quit rents arose payable to said Crown, shall be deemed, taken, and considered as the property of the United States, and be disposed of and appropriated by Congress for the benefit of the whole Confederacy, reserving, however, to the States within whose limits such Crown lands may be the entire and complete jurisdiction thereof."

It seems to me, Mr. Chairman, that nothing could be more conclusive of the fact than that in 1778, when these amendments were proposed, there was no thought of including territory either within the name "United States" or that the Government of the United States, as formed in those Articles of Confederation, should exercise any authority or jurisdiction over territory outside of that comprising the States themselves, for in these amendments it was expressly stated that while this territory was to be considered the property of the United States and disposed of by the United States for the benefit of the whole confederacy, yet complete jurisdiction over and control was expressly reserved to the States. The ground upon which these States demanded this amendment was very clearly stated by the legislature of the State of New Jersey. (See first volume Laws of United States.)

All of these amendments were rejected and the Articles of Confederation were adopted; true, not by all of the States, but by more than nine of them.

TERRITORY A MATTER OF CONTENTION BETWEEN THE STATES.

The subject of this territory was a matter of contention between the States from that time on. It was a constant source of irritation both in the Federal Congress and among the States until on the 7th of March, 1780, the State of New York adopted an act in which the legislature of that State said:

Whereas the Articles of Confederation and Perpetual Union recommended by the honorable Congress of the United States of America have not proved acceptable to all of the States, it having been conceived that portions of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war, etc.

The act then proceeds to authorize the delegates from the State of New York to limit and restrict the boundaries of that State, and also authorized these delegates to determine the question of "the jurisdiction as well as the right of preemption of soil, or reserving the jurisdiction in part or in whole over the lands which may be ceded or relinquished." Pursuant to this authority the delegates from the State of New York ceded to the United States all of the territory that State claimed beyond those boundaries which now prescribe its territorial limits, including all jurisdiction which the State of New York had theretofore exercised over such territory. This deed of cession bears date of the 1st day of March, 1781, and is the first instance in the history of our Government when territory was ceded to the United States, leaving the political status and civil rights of the inhabitants thereof to be determined by the Congress of the United States.

THE CESSION FROM VIRGINIA.

Again, on the 20th of October, 1783, the general assembly of the State of Virginia authorized their delegates, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe to convey "unto the United States in Congress assembled, for the benefit of said States, all right, title, and claim, as well as of soil as of jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter" subject to certain conditions.

The cession of this territory was accepted by Congress with certain modifications which were not finally agreed to by the general assembly of Virginia until December 30, 1788, which was after the Constitution was adopted.

This was the second instance in which territory was ceded to the United States, leaving to Congress or the Federal Government the power of determining the political status and civil rights of the inhabitants until such time as the territory might be divided into districts and admitted into the Union as States.

Prior to this the Federal Congress had passed what is commonly known as the ordinance of 1787. This was entitled "An ordinance for the government of the territory of the United States northwest of the river Ohio." When this ordinance was under consideration and at the time of its passage by the Federal Congress, the Convention that framed the Constitution was then in session. That Convention was called under authority of the Federal Congress contained in the preamble and resolution adopted by that body on Wednesday, February 21, 1787. When this resolution was adopted, calling the Convention for the purpose of amending the Articles of Confederation and "of establishing in these States a firm National Government," the United States, as such, owned territory over which it had complete sovereignty and jurisdiction, but this territory and its inhabitants were excluded from the name and from any participation in the establishment of that firm National Government.

In the draft for a Constitution, submitted by Mr. Pinckney, and also in the draft reported by the committee on detail, we find that the preamble and first article of the proposed Constitution followed literally the preamble and first article of the Articles of Confederation; that is, the preamble said:

That the people of the States of New Hampshire—

Reciting the thirteen colonies by name—

do ordain and establish the following Constitution for the government of ourselves and our prosterity.

Then in Article I of the draft of this proposed Constitution it was said:

The style of this Government shall be "the United States of America."

What Government? The Government composed of the thirteen States named in the preamble, or any nine of them that might adopt the Constitution, and such States as might thereafter be admitted under its provisions. Is there any evidence here of a purpose to broaden the term "United States" so as to include that which the term did not include when it was used as the collective name of the States, before the United States, as such, had any territory? If there is, I would like to have some gentleman point it out. I might add that in all of the treaties made by the United States after the adoption of the Articles of Confederation and in all of the treaties first made after the adoption of the Constitution the States comprising the Union are each specifically named.

Against all these historical facts; against this contemporaneous construction of the term "United States" by the men who established our Government and made our Constitution; in the face of the fact that when this term was first used the United States did not own a foot of territory, and when the term was again used in the framing of the Constitution the men who proposed the original drafts of that instrument specifically named the States that should constitute the Union, thereby excluding territory that then belonged to the United States, and also excluded the inhabitants of any territory, either then belonging to or thereafter acquired by the United States, from representation in Congress or from voting for President or Vice-President; against this array of facts, showing that the term "United States" was used as the collective name of the States, and as defining the geographical boundaries within which the sovereign power of the Government of the United States should be supreme as against the rest of the world, the men who claim that territory is included within that term can bring us absolutely nothing except the mere dicta of Chief Justice Marshall in Loughborough *vs.* Blake (5 Peters, 317), decided in 1820.

Mr. COOPER of Texas. Will the gentleman allow me to interrupt him a moment?

Mr. TAWNEY. Certainly.

Mr. COOPER of Texas. The gentleman is undertaking to prove that we have a right under the Constitution to levy a discriminating tax. Now, Article I, section 8, of the Constitution declares—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Now, under that clause of the Constitution, does the gentleman insist that it would be unconstitutional to levy a tax to defend a Territory or a possession of the United States?

Mr. TAWNEY. I insist that under the contemporaneous construction of the Constitution of the United States by the men who made it, as I shall show before I conclude my remarks, the rule of uniformity or the limitation upon the power of Congress to levy duties, imposts, and excises is not applicable, and was not considered as applicable, to territory belonging to the United States.

Mr. COOPER of Texas. Just one moment more. The gentleman holds that under the Constitution Congress has the power to levy a tax to pay the debts and provide for the defense of the territories and possessions of the United States.

Mr. TAWNEY. Yes, I do.

Mr. COOPER of Texas. Then, in that same clause follows this language:

But all duties, imposts and excises shall be uniform throughout the United States.

Now, that language is part and parcel of the same clause wherein is conferred upon Congress the right to levy duties to defend the territories of the United States. Those duties, as this clause declares, must be uniform. Now, is not that an express declaration of what the term "United States" means?

Mr. TAWNEY. It is not. The gentleman will permit me to say that I have shown from the facts connected with the formation of our Government that the term "United States" could not have included territory—first, because the United States did not own any territory——

Mr. COOPER of Texas. It owned the Northwestern Territory.

Mr. TAWNEY. It did not own the Northwestern Territory when the Constitution was framed. If the gentleman will examine the facts he will find that that cession was not completed until December, 1788. But whether it did or not, it was expressly provided in the original draft of the instrument. The committee on style, which reported the first draft of the Constitution, included absolutely nothing as being a part of the United States except the thirteen States which were specifically named. The gentleman may place any construction he pleases upon that provision of the Constitution. I simply insist that it does not broaden the term in the least so as to include that which was not specifically mentioned as constituting the United States.

Mr. COOPER of Texas. You do not dispute the proposition that under the clause I have read Congress can lay taxes for the defense of the Territories and any possessions of the United States.

Mr. TAWNEY. I do not, but I claim that while the power to impose duties is coextensive with our sovereignty, the limitation upon that power or the rule of uniformity is of less extent, being qualified by the term "throughout the United States." I may also say that in my judgment Congress can, under the second paragraph of the third section of Article IV, conferring "the power to make all needful rules and regulations respecting the territory and other property belonging to the United States," levy taxes; because I take it for granted that no man will dispute the fact that one of the most needful rules for the government of a Territory would be a rule of taxation.

Mr. COOPER of Texas. But the power to tax, as the gentleman knows, arises from this section of the Constitution.

Mr. TAWNEY. That may be true.

Mr. COOPER of Texas. This is the only declaration in the Constitution of the power to levy such a tax.

Mr. TAWNEY. What section is the gentleman reading from? Perhaps I misunderstand him.

Mr. COOPER of Texas. I am reading from section 8, Article I, in which the power to levy a tax to pay the debts and provide for the common defense and general welfare of the United States is authorized. Now, there is where you get your power to levy this tax. But the United States, according to your argument, can, without reference to this provision of the Constitution, levy a tax at its own will in a Territory——

Mr. TAWNEY (interrupting). I thought the gentleman said he was reading from another section of the Constitution. I can only repeat what I have said, that while the power undoubtedly extends to the levying of taxes throughout the United States and Territories the limitation as to the uniformity as to duties extends only to duties levied "throughout the United States."

In view of all that has been said in this discussion, and especially in view of the very able comment of my colleague [Mr. MORRIS] upon the case of Loughborough *vs.* Blake, it is unnecessary to add anything, if anything I could add, to show that the term "United States" or the extension of the Constitution ex proprio vigore was not involved in that case, and that the definition given to that term by Chief Justice Marshall and relied upon by the gentlemen on the other side as their sole evidence of the meaning of that term was clearly extrajudicial.

But notwithstanding the fact that the term "United States" does not include territory, it is nevertheless contended by some that the Constitution and laws of the United States extend by their own force and vigor to the territory within the jurisdiction of the Government of the United States. If that is so, why was it necessary for the men who made the Constitution to publicly declare by statute in 1789 that the territory then belonging to the United States should be a part of the United States and enter into a compact between the people of that territory and the people of the United States whereby the latter guaranteed to the former their political and civil rights?

I suppose that our friends upon the other side will admit that no one can possibly be better qualified to determine this question or that no one could possibly understand the meaning of this term as clearly as the men who made the Constitution and their contemporaries. Here again we find that practical contemporaneous construction, which the Supreme Court of the United States and the supreme courts of all the States have repeatedly said should, in doubtful cases, control the judicial mind in the interpretation of fundamental law, enables us to completely answer the arguments of our opponents.

THE GOVERNMENT OF NORTHWEST TERRITORY.

We have seen that when Congress convened on the 4th of March, 1789, the United States owned territory. They owned that which had been ceded by the State of New York in 1781 and that which had been ceded by Virginia in 1788. We have also seen that, acting under the Articles of Confederation, the Congress of the United States had adopted an ordinance for the government of this territory.

If the Constitution and laws of the United States, when adopted or enacted, extended ex proprio vigore to territory belonging to the United States, certainly the men who participated in making the Constitution, who were members of the first Congress convened under it, would have known and so understood the fact and acted accordingly. But in the first volume of the Statutes at Large we find that they were densely ignorant of the force and effect of the Constitution which they made as to its extension over territory belonging to the Union, according to the Democratic theory of to-day. The seventh act they passed was a law reenacting the ordinance of July 13, 1787. This ordinance contained this significant declaration:

The said territory—

Meaning that which had previously been ceded to the United States—

and the States which may be formed therein shall be, and forever remain, a part of the United States of America.

Although this territory was ceded by the States and the cession was accepted by Congress, yet in the judgment of the men who

framed the Constitution this was not sufficient to make that territory a part of the United States, because it was only ceded "to" and not as a part of "the United States." And to make it a part it was deemed necessary for Congress to so declare by statute, and Congress did so declare. If, in the judgment of these men, the Constitution and laws extended of their own force over territory, will some gentleman upon the other side of the Chamber kindly explain the necessity for the following provisions contained in the ordinance of 1787:

It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable.

Then follows the express extension by statute to "the inhabitants of said territory" of the fundamental rights formulated, not created, in the Constitution of the United States.

Here was territory which in area exceeded the area of the States and belonged to the United States when the Constitution was adopted, and yet we find that, in the judgment of the men who represented the people of the United States, this instrument did not extend of its own force to such territory. On the contrary, it was treated as property belonging to the United States and not as a part thereof.

Why, they did not consider at that time the people inhabiting the Northwest Territory, which by this ordinance was made part of the United States—they did not consider them citizens of the United States at all. But they said that the inhabitants of that Territory who had been citizens of one of the States and resided in the district for three years should be entitled to vote, provided—now, remember, provided—that they owned 50 acres of land.

Mr. WILLIAMS of Mississippi (interrupting). Or were residents of the district.

Mr. TAWNEY (continuing). Or were residents of the district.

Mark further what form of government they prescribed for these people. Acting under the power of subdivision 2, section 3, Article IV, of the Constitution, they proceeded, by the reenactment of the ordinance of 1787, to define the political status of the people inhabiting this Territory, and gave to them a form of government and such rules and laws for their conduct and guidance as in the judgment of Congress were deemed "needful." It is true in doing this they did not violate any provisions of the Constitution with respect to personal and property rights, but they did flagrantly violate, if that Territory was a part of the United States, the declaration which these same men made on the 4th of July, 1776, when they declared that—

To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

First, they expressly authorized the President of the United States, by and with the advice and consent of the Senate, to appoint all of the officers which by said ordinance, as enacted under the Articles of Confederation, the Congress of the United States was authorized to appoint. They gave to the President the power of revoking the commission of any officer so appointed. They authorized the appointment of a governor, secretary, and three judges, and then clothed these five men with absolute power, subject only to the revision of Congress, "to adopt and publish such laws, criminal and special, as might be best suited to the Territory." They also provided that as soon as there were 5,000 free male inhabitants, of full age, in the Territory they were to be entitled to elect representatives to a general assembly, but accompanying this authority was the following significant proviso:

Provided, That no person shall be eligible to act as a representative unless he shall have been a citizen of one of the States three years and a resident in the district, or unless he shall have resided in the district three years, and, in either case, shall likewise hold, in his own right, in fee simple, 200 acres of land within the same: *Provided, also*, That a freeholder in 50 acres of land in the district, having been a citizen of one of the States and being resident in the district, or the like freehold and two years' residence in the district shall be necessary to qualify a man as an elector of a representative.

To be eligible to the office of governor this ordinance required that a person should own in fee simple 1,000 acres of land. To be eligible to hold the office of secretary he was required to own in fee simple 500 acres of land.

Mr. COCHRAN of Missouri. Will the gentleman allow me to interrupt him just there?

Mr. TAWNEY. Certainly.

Mr. COCHRAN of Missouri. I will ask the gentleman if, prior to the enactment of the amendments to the Constitution, the provision to which he alludes would not have been constitutional in any State in the Union?

Mr. TAWNEY. I think so.

Mr. COCHRAN of Missouri. Then, they did not violate the Constitution in formulating this condition?

Mr. TAWNEY. I have not said that they did. That has not been my contention.

Mr. COCHRAN of Missouri. Then, what application has the gentleman's argument to the contention that the Constitution has been violated?

Mr. TAWNEY. I have not said they violated the Constitution. I am pointing out the action of those who founded our Government and made the Constitution to show that instead of their claiming that the Constitution extended of its own force to territory. They took just the opposite view and by statute extended to the people of the Northwest Territory many of those rights secured under the Constitution, showing that under their construction the Constitution did not extend to the people of that Territory.

Mr. COCHRAN of Missouri. How can you do that?

Mr. TAWNEY. The very fact, my friend, that the men who made the Constitution admitted by this legislation that to secure to those people those rights specified in the ordinance of 1787, they had to renew the compact entered into with them under the Articles of Confederation whereby their property rights were to be secured, shows conclusively that they knew that the Constitution did not apply to the people inhabiting the Northwest Territory. That is how I do it.

Mr. COCHRAN of Missouri. Why, nobody contends that they could not do it within the Constitution.

Mr. TAWNEY. Not only that, but this could only be done by statute.

Mr. COCHRAN of Missouri. But it was constitutional.

Mr. TAWNEY. I am not disputing that proposition.

Mr. COCHRAN of Missouri. How do you prove that this is unconstitutional by citing a regulation which you contend is entirely constitutional?

The CHAIRMAN. The gentleman from Minnesota has the floor.

Mr. TAWNEY. The gentleman has just come from the cloakroom. I am not to blame if he did not hear the application I was making of these historical facts. Otherwise I would indulge him further. [Laughter.]

Mr. WILLIAMS of Mississippi. Will the gentleman, before he proceeds, permit me one interruption?

Mr. TAWNEY. Yes, if it relates to the subject that I have under discussion. I am not going to wander off.

Mr. WILLIAMS of Mississippi. I understand, and I am right on this line. The gentleman has been discussing the fact that the Congress fixed certain holdings of real estate as prerequisite to holding office out in the Northwest Territory, and he has been contending that for that reason Congress did not recognize these people as citizens of the United States. Now, do I understand the gentleman to contend that in order to be a citizen of the United States a man must be qualified either to hold office or to vote?

Mr. TAWNEY. No, sir; I did not so state.

Mr. WILLIAMS of Mississippi. Very well. That is what I wanted to ask.

Mr. TAWNEY. The general assembly—and I want to say right here that I am calling attention to the form of government given to the people in the Northwest Territory, not because I claim that that form of government was unconstitutional, but because we hear so much to-day about government by the consent of the governed and the giving to the people inhabiting our recently acquired territory a republican form of government. I want to say here and now that any man who examines the Territorial acts from the passage of the ordinance of 1787 down to the present time will find that until territory belonging to the United States was organized, and the Constitution and laws extended by statute to such Territory, there never has been any different form of government than that prescribed for the territory northwest of the river Ohio. The general assembly consisted of the governor, legislative council, and house of representatives. The legislative council consisted of five to be selected, not by the people of the Territory, but by Congress, and the legislature thus created, a part of which was elected and a part appointed by Congress, was authorized to select a delegate to Congress, who was given a voice, but no vote, in that body.

ORDINANCE OF 1787 ADOPTED WITHOUT REFERENCE TO THE CONSTITUTION.

It will be seen that this ordinance, reenacted in the First Congress, was adopted without reference to the provisions of the Constitution in regard to a republican form of government, and without any reference whatever to the limitations imposed by that instrument upon the power of Congress. In other words, this ordinance is the practical and contemporaneous interpretation of that provision of the Constitution which declares that—

Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

The precedent thus established, by those who made the Constitution, for the government of territory in accordance with the spirit of the Constitution and the principles upon which the Government was founded, but independent of its limitations, has been uniformly followed in respect to the government of all the territory we have ever acquired except Alaska.

LAWS OF UNITED STATES EXTENDED TO NEW STATES BY STATUTE.

But this is not the only contemporaneous act which conclusively shows that there is no extension and that there can not be any ex

proprio vigore extension of the Constitution and laws of the United States. When the States of North Carolina and Rhode Island came into the Union by adopting the Constitution, and when their representatives attended the meeting of the First Congress, that body had been in session almost a year; laws had been enacted in the meantime for the United States. I suppose if any member upon this side of the House should say that these laws would not, of their own force, extend to North Carolina and Rhode Island, after they had adopted the Constitution and come into the Union, the whole Democratic side of the House would rise and exclaim that the man who made that statement was non compos mentis, that it would be absurd to advance such a proposition, and yet the men who participated in that Congress and in the Constitutional Convention advanced that very proposition.

On February 8, 1790, they passed an act specifically extending the laws of the United States to the State of North Carolina. On June 14, 1790, a similar act was passed for the same purpose, Rhode Island being the last of the original thirteen States to come into the Union. The State of Vermont was admitted by act of February 18, 1791, and on March 2 of that year Congress passed an act entitled "An act giving effect to the laws of the United States within the State of Vermont." The first section of this act reads as follows:

That from and after the 3d day of March next the laws of the United States, which are not legally inapplicable, ought to have and shall have the same force and effect within the State of Vermont as elsewhere within the United States.

The statutes of the United States show that for many years after the adoption of the Constitution it was the uniform practice of Congress to extend all the laws of the United States to the newly admitted States. In view of all these contemporaneous acts, extending by statute the principles of the Constitution and the laws of the United States, it seems impossible that any lawyer of average intelligence should for a moment hold that without Congressional enactment such extension would take place, no matter what relation territory may bear to the United States, and certainly it can not be held that of their own force either the Constitution or laws of the United States extend to territory that is not a part of the Union.

RULE AS TO UNIFORMITY OF DUTIES NOT APPLICABLE TO TERRITORY.

But, Mr. Chairman, it is said that this bill is unconstitutional because it imposes a different rate of duty upon the products of Puerto Rico than is imposed on like products entering the ports of the United States from foreign countries. The particular provision of the Constitution claimed to be violated is that provision of section 8, Article I, which provides:

But all duties, imposts and excises shall be uniform throughout the United States.

I take it for granted that this provision of the Constitution is not more sacred now than it was in the first twenty-five years of our constitutional Government, nor do I imagine that it will be claimed that this limitation upon the power of Congress was of less extent then than it is now, yet during that period the several Congresses repeatedly violated it, if gentlemen are correct in their conclusions with respect to this bill and with respect to territory being a part of the United States.

On March 3, 1797, Congress passed an act adding 10 per cent to the duties imposed by law upon articles when imported in ships and vessels not of the United States. Section 104, chapter 72, Laws of 1799, provided:

That the goods and merchandise, the importation of which shall not be wholly prohibited, shall and may freely pass for the purpose of commerce—

Into the territories of the United States by British subjects from the territories of the King of Great Britain, and under this provision such goods and merchandise paid no higher duties than those paid by citizens of the United States when importing the same in American vessels.

Here was a clear violation of the rule of uniformity above quoted, if the Northwest Territory was a part of the United States with or without Congressional legislation.

Section 105 of this act also violated the rule of uniformity by allowing certain goods and merchandise to be imported into the ports of the Northwest Territory and into the ports of the Ohio and Mississippi rivers, wholly within territory belonging to the United States, at the preferential rate.

On May 1, 1802, Congress extended all of the privileges granted by sections 104 and 105 of the act of 1799 to—

vessels and merchandise belonging to persons residing at New Orleans and other points in Louisiana or Florida on the Mississippi or any of its branches.

This privilege extended only to the ports in the territory belonging to the United States.

Again, section 8 of the act of February 24, 1804, provided that—

French ships or vessels, coming directly from France or any of her colonies, laden only with the produce or manufactures of France or any of her said colonies, and Spanish ships or vessels, coming directly from Spain or any of her colonies, laden only with the produce or manufactures of Spain or any of her said colonies, shall be admitted into the port of New Orleans and into all other ports of entry which may hereafter be established by law within the Territories ceded to the United States by the above-mentioned treaty, in the same manner as ships or vessels of the United States coming directly from France or Spain or any of their colonies, and without being subject to any other or higher duty on the said produce or manufacture than by law now is or shall at the time be payable by citizens of the United States on similar articles imported from France or Spain or any of their colonies in vessels of the United States into the said port of New Orleans or other ports of entry in the Territories above mentioned; or to any other or higher tonnage duty than by law now is or shall at the time be laid on the tonnage of vessels of the United States coming from France or Spain or from any of their colonies to the said port of New Orleans or other ports of entry within the Territories above mentioned.

Clearly and emphatically, this was in violation of section 8 of Article I of the Constitution, referred to by the gentleman from Texas [Mr. COOPER] a moment ago, if the rule of uniformity of duties applies to Territories as well as to States, because they gave to the products of France and Spain coming into the ports of Louisiana a preferential rate of 10 per cent on goods and 40 cents per ton on vessels.

The fact is that in these several statutes, almost contemporaneous with the Constitution, Congress wholly disregarded the constitutional limitation upon its power and imposed duties upon goods and merchandise throughout the United States which were not uniform, if territory is a part of the United States. That Congress had the power to do this was clearly recognized by Albert Gallatin, then Secretary of the Treasury.

In his letter to Congress of October 25, 1803, written just two days after the treaty ceding Louisiana to the United States was ratified and the ratifications exchanged, this distinguished statesman and Secretary of the Treasury, after speaking of a certain expenditure that had to be made, said:

The existing surplus revenue of the United States will, as has been stated, be sufficient to discharge $600,000 of that sum; and it is expected that the net revenue collected at New Orleans will be equal to the remaining $200,000. That opinion rests on the supposition that Congress shall place that port on the same footing as those of the United States, so that the same duties shall be collected there on the importation of foreign merchandise as are now by law levied in the United States; and that no duties shall be collected either on the exportation of produce or merchandise from New Orleans to any other place, nor on any articles imported into the United States from the ceded territories, or into those territories from the United States.

In this letter Mr. Gallatin, in effect, said to Congress that in his judgment you have the power to impose a different rate of duty upon foreign merchandise entering the ports of Louisiana than the duties imposed at the ports of the United States; that you have the power to impose duties upon articles imported from the ceded territory into the United States or imported into that territory from the States, but that the exercise of this power was unnecessary because of the then existing surplus in the Treasury of the United States.

ALL THESE QUESTIONS CONSIDERED AND DECIDED BY CONGRESS IN 1803.

On the resolution in the House of Representatives, presented on the very day that this letter of Mr. Gallatin was sent to Congress, referring so much of the President's message as related to the occupation and the establishment of a government over the Territory of Louisiana, this exact question of whether a rate of duty collected at Territorial ports different from the rate imposed and collected at the ports of the United States was unconstitutional, together with every other question involved in this discussion, was most ably and thoroughly discussed and decided.

This is not only one of the most instructive debates on the questions now under consideration contained in the Annals of Congress, but it is at the same time, to me, one of the most interesting discussions concerning the power of Congress to deal with territory independent of the limitations of the Constitution I have ever read or have been able to find. I commend this debate to the gentlemen upon the other side, because they will there find every objection they and their party have made, not only to the pending bill, but to all the propositions which have been advanced upon this side of the House, fully and completely answered; answered, too, by men of the highest order of ability, men who sought only the welfare of the Government and the good of the people; answered by Democrats whose Democracy was not a mere negative policy, but positive, based upon sincere convictions, Democrats who were not constantly engaged in coining catch phrases or epigrammatical sentences with which to mislead or deceive the people.

I especially commend to my young but distinguished friend from Virginia [Mr. SWANSON], whose zeal for his party and enthusiasm over his own ideas impels him to see in this bill the evidence of Congressional despotism, who is carried back to the days of the immortal Patrick Henry to find an opprobrious name for those who advocate the passage of this measure and claim for Congress the same power which his Democratic predecessors always claimed, hoping thereby to arouse the prejudices of the ignorant and unthinking. The speech, in this debate, of Thomas M. Randolph, from the State of Virginia, the son-in-law of Thomas Jefferson, and a States' rights Democrat, as well as the speech of that very distinguished Democratic statesman from the State of Virginia, John Randolph, in favor of every proposition we to-day

advance, are speeches that our friend from Virginia [Mr. SWANSON] and his colleagues on that side of the House should have carefully read and studied before entering upon this debate.

Every argument which they have advanced against our position in this debate is there answered. If they take the trouble to read these speeches, they will there find, as all other Democrats will, that not only the very power which we claim Congress possesses in respect to the government of territory was claimed, but the claim was ably sustained by each of the gentleman's distinguished Democratic predecessors, and all these questions were decided in favor of the Republican contention of to-day. Not only that. On the following day they will find that Mr. John Randolph, as chairman of a select committee, reported, advocated, and secured the passage of a bill in the House of Representatives for the government of Louisiana which, in point of despotic power, either Congressional or Executive, has no equal in the legislative history of our Republic. It made Thomas Jefferson in effect king of Louisiana.

The gentleman from Tennessee [Mr. RICHARDSON], the distinguished leader upon that side of the House, in his speech a few days ago, boasted that every foot of territory acquired prior to 1898 was acquired under Democratic Administrations. He omitted, however, to mention the fact that, except as to Alaska, every measure proposed and adopted by Congress initiating a civil government for this territory was proposed and adopted when the Democratic party was in control of Congress, and that every act thus passed for this purpose was signed by a Democratic President. If he will take the trouble to examine these statutes he will discover that in every one of them, and that in every Congress called upon to create a civil government for the territory acquired under Democratic Administrations, power was exercised by his party, in both Houses and by the Executive branch of the Government, the existence of which he now denies, and which no one would now think of exercising.

But, Mr. Chairman, it would be manifestly unfair for me to pass over the debate which occurred in the House of Representatives October 25, 1803, on the resolution to authorize the President to take possession of Louisiana and govern the same, without calling specifically to the attention of the other side of this House what their Democratic predecessors said in respect to the questions we are now discussing.

These questions involved the power of the Government to acquire territory by purchase, the relation of such territory to the United States, the political status and rights of its inhabitants; whether the limitations of the Constitution applied to the treaty-making power and to Congress in negotiating for the purchase of territory and governing the same, and especially whether the seventh article of this treaty, which provided that French and Spanish ships coming directly from France or Spain, or any of their colonies, when loaded with the produce or manufactures of France or Spain, or their colonies, were to be admitted for twelve years into the ports of ceded territory at a rate of duty 10 per cent below that imposed upon like produce when coming from foreign countries into the ports of the United States, was a violation of that provision of the Constitution in regard to the uniformity of duties, imposts, and excises, and also that provision which says that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

Upon the first question, as to the relation of Territory to the United States, the Hon. Cæsar A. Rodney, a Democratic Representative in that Congress from the State of Delaware, and afterwards Attorney-General under Presidents Jefferson and Madison and a United States Senator from that State, said:

> The Constitution adverts to States themselves, and the distinction between States and Territories is bottomed upon reason.

He then asks:

> Whence the necessity for the distinction?

And answers it by saying:

> When Territories grow into States and become represented in the public councils, a majority of them may become leagued together and carry into effect regulations prejudicial to other States.

Upon this same question, Hon. Joseph H. Nicholson, a Democratic Representative in that same Congress from the State of Maryland, afterwards judge of the court of appeals of that State, in speaking of the relation of the Territory of Louisiana to the United States, said:

> It can not be contended that this territory is ipso facto admitted. * * * Whatever may be the future destiny of Louisiana, it is certain that it is not now a State. It is a territory purchased by the United States, in their confederate capacity, and may be disposed of by them at pleasure. It is in the nature of a colony whose commerce may be regulated without any reference to the Constitution. Had it been the island of Cuba which was ceded to us, under a similar condition of admitting French and Spanish vessels for a limited time into Habanna, could it possibly have been contended that this would be giving a preference to the ports of one State over those of another, or that the uniformity of duties, imposts, and excises throughout the United States would have been destroyed? But because Louisiana lies adjacent to our own territory is it to be viewed in a different light? Or can the circumstances of its being separated by a river only, instead of the sea, constitute any real difference in regard to the commercial regulations which we may think proper to establish? The restrictions in the Constitution are to be strictly construed, and I doubt whether under a strict construction the very same indulgence may not be granted to the port of Natchez, which does not lie within any State, but within the territory of the United States. It has never been deemed expedient to do so, and in all probability never will.

Again, Mr. Mitchill, of New York, who I have before quoted in the course of my remarks, speaking upon the question of the limitation in the Constitution as to uniformity of duties throughout the United States, says:

> For the preference forbidden by the Constitution applies to States in the Union and equal members thereof. The domain we are about to acquire is not a State, for that is a sovereign and independent republic. Nor is it a province, this being an inhabited country, subdued by force of arms. Nor is it a colony, which is a sprout or scion, as it were, of the parent trunk. In its relation to us it is a Territory, a word signifying a peculiar and mingled idea of a country and inhabitants in the inchoate or initial condition of a republic. * * * The port of New Orleans is not a part of any State in the Union. The abolition of the discriminating duties in favor of the two European nations is confined absolutely to the ports of Louisiana.

Again, Mr. Elliott, of Vermont, another very distinguished Representative in the Eighth Congress, speaking upon this same subject, said:

> Colonies or provinces are a part of the eminent domain possessing them, and, of course, are national property. Colonial territory may be transferred from one nation to another by purchase. This purchase can be effected by treaty alone.

Speaking of the discriminating duties in favor of the products of France and Spain authorized by the seventh article of the treaty ceding Louisiana, Mr. Elliott said:

> Let us again inquire with what views and with what objects the Constitution was formed. The Articles of Confederation were but a feeble band of union, the "shadow of a shade"—to borrow a political expression—of a Federal system. Several States, sovereign and independent with respect to many objects, united under a national government, as it respected the most important national objects, and formed a Federal system novel in its nature and unequaled in the annals of all ages and nations. The States as such were equal, and intended to preserve that equality; and the provision of the Constitution alluded to was calculated to prevent Congress from making any odious discriminations or distinctions between particular States. "No preference shall be given to the ports of one State." It was not contemplated that this provision would have application to colonial or territorial acquisitions.

In speaking of the political status and rights of the inhabitants of Louisiana, Mr. John Randolph—and now I want to answer from a Democratic standpoint a question propounded by the gentleman on the other side a moment ago, in the language of Mr. Randolph. He said:

> How did the people at Natchez become entitled to the rights of citizens? Although born out of our allegiance, the moment our Government was established over them did they not possess of right a security for their lives and property? When I speak of their acquiring the rights of citizens I do not mean in the full extent in which they were enjoyed by citizens of any one of the particular States—since they possessed not the right of self-government—but those of personal liberty, of personal security, and of property, which were among the dearest privileges of our citizens—a stipulation to incorporate the ceded country.

He is now speaking of the stipulation in our treaty with France ceding to us Louisiana, which provided that the inhabitants should be incorporated into the Union and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

> A stipulation to incorporate the ceded country does not imply that we are bound ever to admit them to the unqualified enjoyment of the privileges of citizenship. It is a covenant to incorporate them into our Union, not on the footing of the original States or of the States created under the Constitution, but to extend to them, according to the principles of the Constitution, the rights and immunities of citizens.

That was the position of John Randolph, of Virginia, in 1803, as to the political status and civil rights of the inhabitants of Louisiana when he was called upon to say what he and his party and his friend Thomas Jefferson proposed to do with regard to the rights of those people.

Mr. Randolph did not claim, as his successors in this House claim, that the principles of the Constitution extended of their own force to the Territory of Louisiana, conferring upon the inhabitants thereof all rights and immunities of citizens under the Constitution, but, as he said, they would "extend to them, according to the principles of the Constitution, all the rights and immunities, including jury trial, liberty of conscience," etc.

Mr. Randolph was not only a distinguished Democrat, but he was one of the principal advocates of the ratification of the treaty by which we acquired Louisiana, and, as I have before said, was the chairman of the select committee that reported the resolution authorizing the President to take possession of Louisiana and govern the same without any limitations and under no restrictions whatever.

In speaking of the fears of the anti-expansionists of that day Mr. Thomas M. Randolph, the son-in-law of Thomas Jefferson, said:

> But it is dreaded that so widely extended a country can not exist under a republican government. If this dogma be indisputable, I fear we have already far exceeded the limits which visionary speculatists have supposed capable of free government. This argument, so far as it goes, would prove that instead of acquiring we ought to divest ourselves of territory. If the extent of the Republics of Greece or Switzerland, of ancient or modern times, is to be our standard, we shall dwindle, indeed. They have formed the basis of most theories on this subject. The acquisition of the country west of the Mississippi does not reduce us to the necessity of settling it now or for a long time to come.

Mr. Crowninshield, another Democratic Representative, from the State of Massachusetts, who was tendered the position of Secretary of War by President Jefferson, upon the question of the violation of the Constitution owing to the difference between the duties to be collected upon French and Spanish products imported into the ports of the ceded territory, said:

I have no objection to that article of the treaty. Those vessels are to pay a tonnage duty and duty on their cargoes similar to our own. * * * It surely can not be unconstitutional to receive the ships of France and Spain in the ports of the new territory upon any terms whatever. * * * There is no superiority granted to foreign vessels trading to Louisiana; it merely places them on an equal footing with our own ships in those ports for a limited time. The difference of duties is only 10 per cent on the duty and 44 cents of tonnage.

WHAT CONGRESS HAS DECIDED.

Here, then, we see that all these questions were considered in this House almost a hundred years ago by the contemporaries of the men who made the Constitution. We also see that Congress decided that territory could be acquired, held, and governed indefinitely as such; that territory was not a part of the United States; that the civilized native inhabitants were not citizens of the United States, and could only become such by an act of Congress, notwithstanding treaty stipulations, and that the admission of Spanish and French products into the ports of the ceded territory at a rate of duty 10 per cent below that imposed upon all foreign products entering the ports of the United States was not a violation of that provision of the Constitution requiring uniformity of duties throughout the United States. The vote in the House by which all these questions were decided, October 25, 1803, as far as this branch of the Government can decide anything, was the decisive one of yeas 90, nays 25, there being no absentees.

The following day, as I have said, the bill authorizing the President to take possession of and govern Louisiana was reported. It gave the President, Thomas Jefferson, the founder of Democracy, despotic power over that territory. It is no justification to say that this was only temporary. There is no such thing as the temporary violation of the fundamental law of our land. The party that violates it temporarily may perpetuate that violation as long as it remains in power. No, it was not a violation of the Constitution. Having decided the day before that territory is not a part of the United States, but property belonging to it, they proceeded to make such rules and regulations for the government of Louisiana as they deemed needful, and they did this independent of the limitations of the Constitution.

In view of all these historical facts, in view of all the acts of practical contemporaneous construction I have cited, and in view of the fact that the Supreme Court of the United States has never decided to the contrary, it is impossible for any man to successfully contend that the power of Congress over territory to which the Constitution and laws of the Union have not been extended is not plenary.

But the mere existence of this power need not alarm the inhabitants of our insular territory. Nor will gentlemen upon the other side ever have any real occasion to complain of its improper exercise under Republican control. We will now give to the people of Puerto Rico a bond that plenary though this power is, it will never be exercised over them as the legislative power of many States under Democratic control is now exercised.

No; the Republican party, born out of the agonies of a long-suffering people, trampled upon by the most corrupt and villainous oligarchy that ever cursed a republic, has too many pages of its history written in the blood of American patriots who fought under its great leader, Abraham Lincoln, in the cause of freedom and civil liberty to be accused by its Democratic opponents of seeking to oppress any people of any race or color living under the shadow and protection of our nation's starry emblem of liberty. [Prolonged applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL of Illinois having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 44:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the report of the Philippine Commission 15,000, 10,000 for the use of the House and 5,000 for the use of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 4006) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3266. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va.

S. 3239. An act for the relief of Richard Allston.

TRADE OF PUERTO RICO.

The committee resumed its sitting.

[Mr. EDDY addressed the committee. See Appendix.]

Mr. LACEY. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection, and leave was granted.

Mr. TOMPKINS. Mr. Chairman, not being in accord with the majority of my colleagues on this side of the House, Ideem it proper to briefly state my reasons.

I am as loyal and devoted a member of the Republican party as there is on the floor of this House. I cherish its traditions and glory in its achievements and am ready at all times to loyally supports its policies and defend its principles, but I do not recognize in this bill a Republican measure, there are absent those principles of equality and justice that have always characterized Republican legislation. I heartily believe in the principle of protection. I believe in, and have endeavored to teach in a humble way, the benefits and blessings of a protective tariff—a tariff against the products of other and foreign lands when such products come in unfair and unequal competition with American industries and American productions, but I have never before known the Republican party to advocate or favor, or even suggest that there should be any discrimination in tariff duties between States or Territories of our own. In fact, such a policy—such a discrimination—any inequality in Federal taxation, is expressly declared by the Constitution to be unlawful.

Gentlemen have argued with much force and many legal authorities and precedents that Puerto Rico is not a part of the United States and not a Territory entitled to the benefits of our Constitution and laws, and hence that that provision of the Constitution is not applicable. Others have argued with equal force, and apparently as many decisions and authorities, that the constitutional limitations do apply to legislation for territories ceded to us and over which we assume control and exercise the functions of Government, even before statehood is created. These arguments have been very learned and interesting, but either solution of this constitutional question can not determine for me the question of the propriety of the proposed legislation.

The brilliant argument of the gentleman from Pennsylvania on Monday, and, indeed, all the arguments in support of the bill, except those of the gentleman from New York [Mr. PAYNE] and the gentleman from Ohio [Mr. GROSVENOR], have dealt alone with the question of the power of Congress to impose an unequal and discriminating tariff upon imports from Puerto Rico. I take a broader ground, and insist that, admitting the power, admtting the legal right to enact this law, that under the existing circumstances and conditions it would be improper and unjust to exercise it, especially when it is conceded by the report of the majority of the committee that no injury will come to our industries or products by the admission free of duty of all products of the island.

Regardless of the constitutional question, I take the ground that, having taken their island, having thrust upon them our Government, having gone to them bearing the banner of freedom, and having assured them of our intention and purpose to "bestow upon them the immunities and blessings of the liberal institutions of our Government" (being the language of the letter of General Miles to the Puerto Ricans, written July 28, 1898), and having promised to give them (in the language of the same letter) "the advantages and blessings of enlightened civilization," having assured them that we came to them in the cause of liberty, justice, and humanity, it would be the most flagrant injustice and the clearest and most patent evidence of insincerity and bad faith to deny them the same privileges, immunities, and trade facilities enjoyed by all our States and Territories, especially when it is conceded that all the products they can export, and even double their present producing capacity, would not, if admitted free of duty, interfere with our own products. Here is the language of the report of the majority of the Committee on Ways and Means in respect to sugar:

The consumption of sugar in the United States last year was, in round numbers, 2,000,000 tons, of which about 1,400,000 tons paid the full duty under the law of 1897. The balance was furnished by the free sugar of Hawaii, the cane sugar of Louisiana, and the beet sugar of the Northern States. This 45,000 tons of Puerto Rican sugar is not enough to supply the increasing demand for consumption of a single year, and no one claims that if admitted free it would have any appreciable effect upon the price of sugar in the United States. No one now claims that the 300,000 tons of Hawaiian sugar affects the price in the United States. The price of sugar being fixed in the United States, it follows that this $1,000,000 reduction in tariff duty, or the greater part of it, would, at this very critical time, come to the rescue of the sugar producers of Puerto Rico. That it would infuse new life and vigor and hope into the people of this island needs no argument.

Nor would the reduction of this duty injure or retard the wonderful growth of the beet-sugar industry in the United States, which it is estimated will reach the production of more than 100,000 tons during the present year.

With respect to tobacco—and these are the only two products of the island upon which there is any tariff—the report says:

Fortunately this tobacco is not of such a quality as to furnish any menace to the tobacco industry of the United States. It is of a different quality; is useful only for fillers, and generally for the better grades of cigars.

It is not, then, to protect our own home industries and products that this law is proposed. What is the motive that prompts it? From the arguments of the gentlemen who have spoken in support of the measure it would appear that the chief reason is that the Congress has power to do it; the power of Congress is to be declared and demonstrated. Conceding the power, why is it invoked in this instance? It has not been exercised with respect to the Hawaiian Islands, which last year exported to this country 300,000 tons of sugar, or nearly eight times the entire output of Puerto Rico. No provision for a tariff was inserted in the treaty recently made with the Sultan of Jolo, by which the United States assumed sovereignty over the archipelago of Jolo. On the contrary, that treaty expressly provides as follows:

All trade in domestic products of the archipelago of Jolo, when conducted under the American flag, shall be full, unlimited, and undutiable.

Is not the same American flag to float over the commerce of Puerto Rico? The gentlemen on the other side of the question boast and rejoice in the assurance, as we all do, that the American flag is not to come down, but is to continue to float over all of these possessions. But why, tell me, shall one law apply to the commerce sailing under the Stars and Stripes on the Atlantic Ocean and another law for the same class of commerce—the same commodities and under the same flag—on the Pacific Ocean? Why this discrimination against Puerto Rico? Two reasons, and two only, have been given by the gentleman from New York, the chairman of the committee. The first is that this tariff will create a fund for the maintenance of a public-school system for the island. The second is that a free-trade policy will establish a bad precedent, and that soon Cuba and the Philippines will be knocking at our door for similar legislation. Now, as to the first, a public-school system should be established and maintained in Puerto Rico on the plan of the American public-school system, conducted under American supervision, but it should be established and maintained by local taxation. A simple and complete system of school taxation can be devised and put in operation.

But why not establish and maintain such a system in the same manner as the public-school systems are supported and maintained in the different States of the Union and in our own districts? What is to prevent this great Government from conceiving and formulating and putting into operation a system of public schools and a system of local taxation to support them? It is true that there are no counties or townships in the island of Puerto Rico. The island has not been so subdivided. But what is to prevent Congress dividing the island into school districts, if you please, and putting into each one a school system, putting it into operation, and raising money for the support of the various schools throughout the island, supporting them and maintaining them by a system of local taxation?

Mr. LACEY. Will the gentleman yield to me for a question?

Mr. TOMPKINS. Certainly.

Mr. LACEY. Does the gentleman think that it would be better, until a local government is organized in the island, to give power for the establishment of such a system to the people of the island—in other words, that they should do that for themselves rather than that Congress should attempt to put such a system into operation?

Mr. TOMPKINS. I think that Congress should at once take that question of local government into consideration, and just as speedily as possible establish it on the island.

Mr. LACEY. That is very true. But would it not take a year or two at least before any local self-government could be established there, and in the meantime what is to become ot the school system about which the gentleman has been talking?

Mr. TOMPKINS. It will be a year or more, of course, under the proposed legislation, before any public-school system could be established.

Mr. LACEY. Then how would the island be run in the meantime? Where is the money to come from?

Mr. TOMPKINS. By local taxation.

Mr. LACEY. Then you propose that a local government shall make laws for the government of the island and the collection of the taxes. But what local government could make the levy?

Mr. TOMPKINS. There should be some sort of local government or some supervisory control, at least, exercised by Congress until a thorough system is established.

Mr. LACEY. I am, perhaps, quite in sympathy with the gentleman's proposition, but I only wanted to point out the difficulties. The difficulty is to apply a method for the immediate regulation of the affairs of the island and put the custom-houses in operation. I was only calling his attention to the difficulties which seem to surround the position he is taking with regard to the matter.

Mr. TOMPKINS. The people can wait a reasonable time until a suitable system can be established.

But the gentleman from New York says, "Tax those who can best afford to pay it. Impose it in the form of tariff duties and then the rich owners of the sugar and tobacco plantations will have to pay it." My answer to that proposition is, collect it by means of a system of local taxation upon the land, and then, too, the rich sugar and tobacco plantation owners will have to pay it. The gentleman from Ohio, Mr. GROSVENOR, stated that the sugar and tobacco interests constituted but a small part of the interests of the island, and it is conceded by the Ways and Means Committee that these two classes constitute only 25 per cent of the producers of the island. Their proposition, therefore, is that 25 per cent of the producers shall pay a tax for the support and maintenance of the entire island, for no other tax is proposed by this law. The injustice of such a plan must be apparent to all. A better plan would be to devise and put in operation an equitable local system of taxation by which all landowners, regardless of what they may produce, will contribute their share toward the expenses of the government of the island.

As to the second reason, if the argument that the constitutional limitations in reference to taxes and tariffs do not apply in this case and that Congress may legislate freely and at will for any territory or possession, and enact such laws for their government as may seem expedient, is good, then the second reason given for this bill is fallacious. The gentleman from New York in his speech said:

I want to make a precedent that all men can read with reference to the Philippine Islands, and if Cuba shall come I want to give notice to Cuba that we propose to protect this industry when it comes to the question of admitting the 1,000,000 tons that will come from Cuba.

He also said:

No damage will be done by the little island of Puerto Rico, but I do not want to see competition with the cheap labor of the Philippines.

So that a reason for the proposed legislation is that a precedent may be established to be used against Cuba and the Philippine Islands. Let us see if such a precedent is necessary. Certainly not according to the arguments of the gentlemen on the other side of this question. They insist that there are no limitations upon the power of Congress in dealing with any of these islands; that Congress may enact such legislation as may be deemed necessary and expedient in any given case. If that be so, then when the Philippine Islands or Cuba come knocking at the door of Congress, as predicted by the gentleman from New York, with different conditions and circumstances, Congress may declare, by virtue of the power it is now asserted it possesses, that because of the different conditions prevailing, and for the purpose, it may be, of protecting home productions, a reasonable and proper tariff shall be imposed. It seems the height of folly and injustice to impose a tariff where no protection for home industries is served thereby, and where such tariff is opposed by and works a hardship upon those upon whom it is imposed, simply for the purpose of establishing a precedent to enable that to be done which Congress already has the constitutional right to do.

I unite and agree with the chairman of the Ways and Means Committee in his declaration—

I do not want to see competition with the cheap labor of the Philippines.

Nor will we so long as the Republican party is in power and he Republican principle of protection is applied where it should be. When the Filipinos apply to us for free trade with their country, we may and should say to them: You have been in insurrection against us; you have cost us millions of money and thousands of precious lives because of the attitude of some of your people; it is still necessary to maintain a standing army, at an enormous yearly cost; we came as your deliverers and you have rebelled against us and shot down your benefactors, and while we, in the cause of humanity, have gladly rescued you from the oppression of Spain and are willing to confer the blessings of American civilization, yet we can not admit your products free of duty to compete with the products of well-paid American labor until such time as we shall have received back from you the cost of putting down your insurrection, the cost of maintaining an army to preserve peace, the cost of pensioning our wounded soldiers and the dependent ones of those you have slain, and until, by the civilizing and educating forces of American institutions, you shall attain unto that degree of education and advancement by which your lives will be ennobled and your labor dignified and enhanced in value so as to compete fairly with the educated and well-paid labor of native and naturalized Americans.

That is the position this Government may take with reference to the Philippine Islands when the question arises. No such condition exists with respect to Puerto Rico. With respect to Cuba there need be no fear of a precedent, because it is our purpose to grant to the people of that island a free and independent government. Then we shall deal with her by treaty or tariff laws as we deal with the other nations of the world. That Congress has the power to take care of the Philippine question when it comes has not only been admitted by the gentlemen who have discussed the legal proposition, but in the report of the majority of the committee, which accompanies this bill, we find the following on this question:

The representative of the beet-sugar industry who appeared before your committee stated that the admission of sugar free of duty from Puerto Rico,

even should the product be doubled, would work no injury to the beet-sugar interests. His fears were that this original bill might be regarded as a precedent for free sugar from the Philippine Islands, and eventually from Cuba. It is a sufficient answer to this that the substitute reported establishes no precedent. On the contrary, we expressly assert by this substitute the right to discriminate between Puerto Rico or the Philippine Islands and the United States. Cuba is to have a government of its own, and there is no menace to the beet-sugar industry from that quarter. Surely the party which had the courage to provide adequate protection in 1897 for this new industry can be safely trusted to foster it, now it has passed beyond the stage of experiment and is an assured success.

So that the claim that this legislation is required as a precedent when we come to deal with the Philippine Islands and Cuba is destroyed by their own report and arguments.

To summarize briefly: There is no need of this legislation for protective purposes; that is conceded. There is no need of it as a precedent; because if Congress has the power to enact this law, it will have the same power to enact a similar law for the Philippine Islands. If we open our markets to the products of Puerto Rico, the rich and fertile soil spoken of by the gentleman from New York will be made "to bloom and blossom as the rose," and enable them to pay taxes liberally for the support of their school system and home government.

Every legal and humane reason exists for the defeat of this measure and the establishment of free trade between the United States and Puerto Rico.

President McKinley, in his annual message, read at the opening of this Congress, said:

Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

Is our duty any less plain now than it was then? Conditions have not changed. These people are now suffering poverty and starvation. Since Spain has enacted a high and prohibitive tariff they have had no market for their products. Their lands are uncultivated, their people are idle, and men, women, and children hungry and suffering are looking across the waters to us with all our wealth, prosperity, and happiness, and are asking and pleading that we open our ample markets to the products of which their little island is capable, demanding that we grant to them the immunities, privileges, blessings, liberty, and civilization we so bountifully promised; and if this great nation is just and true to its promises, if we want the future good will and loyal allegiance of these people and the respect of the rest of the world, we will not fail to heed the cry. [Loud applause.]

Mr. POWERS. Mr. Chairman, the questions that present themselves to the House at this time for consideration are the most important questions that have arisen since the period of the civil war. During the period of the civil war the statesmanship of the nation was called upon to settle the extent and limits of our Federal Constitution in its application to domestic affairs. To-day we are called upon to measure its capacity in connection with our relation to foreign affairs. So that that instrument during the period of forty years has been called upon to vindicate itself to the people of our nation and to the people of the world as the palladium of the liberties of a free people.

I am not vain enough, Mr. Chairman, nor arrogant enough to claim that on this occasion the views which I entertain as to the proper scope of that instrument are sound and would meet the approval of the tribunal which ultimately must pass upon them; but, sir, I feel a duty, and what I regard to be the duty of every member of this House, to contribute to this common fund of discussion such impressions as occur to me in regard to the scope of that instrument as applied to the bill now under consideration. I have no apologies to make for the attitude I take on this occasion. I assume it to be the privilege—nay, I regard it to be the sworn duty—of every member of this House to act and vote upon all questions of public import the scope of which is so wide as this at least from the standpoint of American citizenship, and not from the standpoint of American politics. [Applause.]

I believe, sir, he serves his party best who serves his country most; and actuated with that purpose, and with that alone, I proceed to give to the House such humble views as I entertain upon this important question, in the hope that the fallacy of them will be pointed out before we have occasion to act on this matter by way of vote, if there be fallacy, and that the merit of them, if they have any humble merit, may have its proper weight in the deliberations of this committee.

Now, sir, what have we before us? This bill proposes, comprehensively stated, to impose a tax of 25 per cent of existing rates upon certain products of Puerto Rico landed in American ports, and the same rate of duty upon such products that go from the United States to Puerto Rico, in both collections the fund realized to be applied for the benefit of the people of Puerto Rico. Well, sir, if we were to extend the provisions of our tariff law, or any tariff law, to Puerto Rico, most assuredly this small fraction of 25 per cent is a moderate and a liberal one. The Constitution requires duties to be uniform throughout the United States.

By the treaty made with Spain, among other things Spain ceded to the United States "sovereignty" over Puerto Rico. I quote the language of the treaty. It was a cession of sovereignty. What do we understand by that term? What do we mean by the word "sovereignty?" I have not taken pains to consult the dictionaries, but the common understanding that people have of it is the power to govern. That was all the right that Spain had over Puerto Rico, and it was the only thing that she could grant. It was the only thing that she did grant, and the thing she granted to the United States was merely the right to exercise the supreme power of government over the people and territory of that island.

The first question is, How are we, having that right granted to us, to exercise it? We have over our own territory and people the right of sovereignty; added to that, by this cession comes this grant of sovereignty from Spain. Is our method of asserting our sovereignty any other and different in the case of this new grant from Spain than it always has been under the Constitution that we are under? Most assuredly not. We can not carry on the functions of a government exerting two kinds of sovereignty. Our American sovereignty is tied down and fettered by the language of the Constitution itself. The Constitution itself is our authority and justification in taking the added sovereignty from Spain. Having taken it, it then comes under the provisions of our organic law, to be exercised by such methods and in such ways and in such manner as the Constitution itself may prescribe.

Now, sir, we have heard a great deal during this long debate for six days about the Constitution and about the proper vigor of the Constitution. What do we mean by it? What is understood by the expression "the Constitution of the United States?" Is it some sacred volume that has come down to us from a former generation that is to be respected because of its elegant binding? It is a mere record of certain great principles of government that are therein described and limited. If it be that, then it is not the document itself, but it is the principles that are embodied in it that are material for our consideration in questions of this kind. It is the depositary, so to speak, of the sovereignty of the American people themselves, and they alone have, or had originally, absolute sovereignty, if you may so term it.

All power rested with them. They saw fit in their wisdom to delegate a certain portion of it to a form of government. That form of government was made up of executive, legislative, and judicial branches. That was all there was of it. Every power that is specified in the Constitution as having been granted by the people is applied by and applicable to these three subdivisions of sovereignty. So that when we talk about the Constitution, Mr. Chairman, we are not to look upon it as an elastic parchment that we can spread over newly acquired territory. We are to look at it as the resort to which we can go to find out how we can govern outside territory; and that is the work that is before us to-day. Much has been said by the courts and in the literature on this subject as to the time when Puerto Rico became a part of the United States, became American territory.

As I have already said, the cession that was made to us was not the cession of territory, it was the cession of sovereignty, but that unquestionably ex vi termini carries the main thing itself, and at least we have so treated it thus far. But the courts tell us there are certain stages in the progress of the annexation of foreign territory to our own that must be observed as events go forward. They tell us that the territory on hand at the time the Federal Constitution was adopted belonged to the United States. They tell us that certain islands that somebody discovered a few years ago, on which were valuable guano beds, were not territory of the United States but appertained to the United States. They tell us that the annexation of foreign territory to our territory is not a completed work, is not an executed transaction, until we accept the cession.

Well, sir, I agree to that. It seems to me they follow the analogies of the law in that holding. Everybody knows that a gift from one person to another is not valid unless accepted. And everybody knows that a deed of my farm to my friend from Pennsylvania carries nothing to him until he accepts it. And so in this case, the cession of the sovereignty over Puerto Rico by Spain does not carry the territory into our territory until the United States, in some form, by some affirmative act signifying the fact, accepts that cession. And we are told in this connection that the passage of this bill, that any act *of the legislative* power of the Government, is an act that signifies or will signify an acceptance. I agree to that.

But, Mr. Chairman, is that the only way in which we can accept it? Is that the only way in which we can make Puerto Rico a part of the American territory? I say not, sir. We have had on Puerto Rican soil for many months a government established by the United States under the war power of the Constitution. We have had our governor-general, we have had all the machinery necessary to administer the affairs of that island. Schools have been established, schoolhouses have been built, all the wants of the people have been regarded and have been supplied by the Government of the United States of America. Ten times more affirmative acts have been called into being since the occupancy of that island than could be implied from any mere act of civil legislation.

Mr. THROPP. Will the gentleman permit me to ask him a question?

Mr. POWERS. Certainly.

Mr. THROPP. Did we not perform an affirmative act in accepting the transfer by the passage of the treaty?

Mr. POWERS. I will say in answer to my friend from Pennsylvania that when I am arguing that under this doctrine of the courts it is necessary to have an acceptance in order to make annexation, I do not mean to stop and quarrel with them. No matter about that. I am trying as well as I may to follow along the lines of judicial construction to see where it will take me as the final result in this case. I do not propose to antagonize that any further than it seems necessary.

Now, then, as I was saying, and this is the point I desired to make, these affirmative acts of military occupation, of actual possession of the territory itself, of assuming control over the people, of paying out our money for their benefit, of receiving to a certain extent their services, are affirmative acts that are potential enough at all events to indicate the acceptance of that cession and thereby make Puerto Rico a part of our American territory. Now, what follows from that result? If by treaty Puerto Rico has become a part of American territory, then I insist that she is to be treated precisely as Arizona, Oklahoma, or New Mexico, and all the Territories that we have had since the foundation of the Government. [Applause.]

I insist, sir, that there is no power anywhere that can discriminate against one acre of American territory in favor of another. So that if this reasoning is sound, that up to this moment Puerto Rico has become by our voluntary acceptance a part of our territory, then, sir, all the consequences must follow that would follow from the government or administration of the Territory of Arizona.

I do not overlook the fact that my friends who contend differently may insist that whatever acts of sovereignty we exert must be on the civil side of the Constitution.

But is that sound? Can any gentleman give me an intelligent reason why any exertion of sovereign power on the part of the United States in order to perfect an inchoate right to a foreign territory must be exercised on the civil side of the Government rather than on the military side? I think not. I submit that conundrum to gentlemen who are imbued with different notions respecting the rights of the Government, to answer before this debate may close.

Now, then, I have said that if the reasoning down to this point is sound we must treat Puerto Rico as American territory and treat it in the same way precisely that we treat Oklahoma, New Mexico, and Arizona, and in the same way that all along the line of our history, from the adoption of the Constitution to this day, we have treated our Territories that were unorganized.

Right here it is pertinent to inquire, Do you think, Mr. Chairman, that you could impose a stamp duty upon a deed of real estate in Arizona with a consideration of $1,000 larger than you impose upon a deed of real estate in Arizona having the same consideration? Do you suppose you could impose a duty upon the ores of Arizona and a still different one upon the ores in Oklahoma? And if you may not discriminate between those two, do you imagine that you could make a discrimination in favor of or against Puerto Rico, if she be American territory? I think not.

So that we are brought directly to the very marrow of this question, and that is whether we can impose one kind of duty for one part of our American territory and a different kind—whether greater or less, I care not—upon some other part. Gentlemen who have preceded me have attempted to solve this question by undertaking to give us a definition of what is meant by the term "the United States." The Constitution declares that duties must be uniform throughout the "United States."

Until within the last ninety days I, in common with the great mass of 75,000,000 American people, had always supposed that the "United States" embraced the 45 States that are in statehood and embraced also the outlying Territories that will some time become States. The boys and girls in our schools have been taught to believe that the United States of America comprehended all the territory over which we exercised jurisdiction. But of late we have been told that this is a popular error, and that the time has at last come to change our educational methods, to change our generally held notions and learn to our sorrow and humiliation that the United States is no more nor less than that portion of our territory that has had the opportunity to elect governors and State legislatures and to send men here to represent them in Congress.

Why go back to the days of the Constitution, when we had thirteen States, and I was almost ready to say thirteen times as much of outlying territory. Suppose at that time the fathers had been asked, "What do you include in your great new-born nation, the United States? Do you claim only that narrow margin along the Atlantic coast? Is that the limit of your conception of the limits of your new Government?" If such a question had been asked, the answer would have been, "Why, no; we look away beyond to the Mississippi; we see that great Northwest Territory; we see the territory that was ceded by Connecticut now covering the famous Western Reserve of Ohio; we see the great cession made by New York; we see the vast cession made by South Carolina." They congratulated themselves that even at that time we had an empire of almost Roman, almost Asiatic boundlessness, out of which were to be erected the coming new States of this Union.

We must find out whether these new schoolmasters that have given us this definition are correct; because if they are, it is the duty of every man on this floor to bow in respect to their new dispensation. So I have taken occasion to find out where this term "United States" originated in any authentic form; where it came into use by force of any authoritative expression of the American people. And I find the first instance of it is recorded in the Declaration of Independence, made July 4, 1776. In that instrument the representatives of the "United States" declare that "these colonies are and of right ought to be free and independent States." It is true they used the expression "The United States," in which respect they were a little bit ahead of time. They had not become united States at all; they were nothing more than united colonies. But in anticipation of glories to come they assumed the title and went ahead.

Well, in a little more than a year after that the Congress of the Confederation, without any previous authority from any source whatever, assembled themselves together and formulated the Articles of Confederation. Those articles, as has been said this afternoon, were articles of friendship and amity between certain States named—New Hampshire, Massachusetts, Virginia, etc. In those articles it is declared in the very first section that "the style of this Confederacy shall be the United States of America." Now, that is the first time where you can find, in any authentic paper issued by authority, any use of the term "United States;" and those who used that term did not limit it to the two words "United States," but they added "of America"—clearly implying that at that time at least the fathers of the Republic had no purpose to annex the Philippines.

Now, going along in the progress of our history as a Government, in 1787, while these Articles of Confederation were in force, a Convention was called, the result of which was the formulation of the Federal Constitution as it now stands, with the exception of the amendments that have been added. Now, in that instrument they changed the source of power. It is no longer a league of States, a confederation of States—New Hampshire, Massachusetts, Rhode Island, etc.—but another sovereign power comes into play—"We, the people," not we, the people of New Hampshire, Massachusetts, Rhode Island, etc., but "We, the people of the United States," do, for certain purposes enumerated, "ordain and establish this Constitution"—for whom? "For the United States of America," keeping up the same style in referring to the country to be governed as had been adopted in the Articles of Confederation.

Now, these words, "the United States of America," appear in the Federal Constitution only twice. They appear in that section defining the powers of the President for the first time, there shall be a "President of the United States of America," and in the attesting clause at the close of the instrument, done in the year of our Lord so and so and of the independence of the "United States of America," etc. These are the only occasions where they are to be found in that instrument.

So that you see, Mr. Chairman, I think it a clearly demonstrable proposition that there is no technical meaning to the term "United States," for the words are used, as the courts tell us always is the case in the statutes, in the common meaning and acceptation given to them by the people of the country. When we say "the United States of America," we mean precisely the same thing as when we say "the United States." And when we say "the United States," the idea conveyed to the common mind—the common acceptation of the term—is that it means not only the organized States of the Union, but every Territory, every acre of territory, that is under the flag of the United States. It seems to me that that is absolutely clear and unquestionable.

Well, sir, in addition to that, the courts have been called upon occasionally to give their views and their construction of the meaning of this term. I have alluded to the fact that in the common speech of the people, the common acceptation of the people, the term "United States" is a comprehensive one, and not in any sense a technical one; that it does not mean, as has been argued upon the floor of this House, States that were united, but it means more comprehensively all of the territory under the flag of the United States.

Now, the courts, I say, have been called upon to define that proposition. We have had a great deal of talk about the much-quoted case of Loughborough *vs.* Blake, reported in 5 Wheaton, which has been pointed to by one side as triumphant proof in support of their theory, and is pointed at by the other side as the obiter dictum of an obscure judge.

In Loughborough *vs.* Blake (5 Wheaton, 643), Chief Justice Marshall, in the opinion of the court, says:

> The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this

term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other.

Well, it is certain that Chief Justice Marshall, in that case, did say that the United States comprehended the Territories as well as the States and the District of Columbia. That fact is not disputed, as I understand it. The Chief Justice said it, whether true or not. He said it whether it was part of the adjudication of the question before him, or whether it was an obiter dictum, or, as sometimes the lawyers call it, a "slopping over" of the court.

But one thing must be understood clearly in reference to the case. It was decided in 1820, some eighty years ago. Various questions to which it might be pertinent if it were bad law have been before the courts since it was adjudicated, and I undertake to say that there is not in the whole mass of our judicial literature in the United States courts, nor in the State courts, so far as I can find any case to which the same legal principle applied, in which the case of Loughborough *vs.* Blake was cited, that disputed its authority; no case in which it has been said that the great Chief Justice Marshall, when he declared that the United States comprised the Territories and the District of Columbia, uttered a mere dictum of the court.

Now, is it not a surprising fact in our judicial history that in three-fourths of a century, in all the various questions that have sprung up touching the clear meaning and effect of this language, that no complaint has been made, no lawyer has been found who has undertaken to claim that this question was a mere dictum of the court? On the contrary, on two or three occasions this decision was referred to approvingly, showing that the judicial mind of the nation, showing that the legal mind of the nation, showing that the popular opinion of our people were still wedded to the belief that when Chief Justice Marshall said what the scope and meaning of the words "United States" was that it was regarded by the people as true in fact and true in law.

But, Mr. Chairman, within the last ninety days there has sprung up a criticism upon his language. It sprung up first in the law schools, and later on it has been transplanted to this floor. Well, it is useless, when a man says that the language of the court is obiter dictum, it is useless to try to convince him of his error; it is useless to spend any time with one who is bold enough to put his opinion against that of Chief Justice Marshall on a great question of constitutional law.

I remember, sir, when I was in the practice of the law and my adversary confronted me with a decision that sent me onto the rocks, I very often said, "Why, that is not law, that is a mere obiter dictum." It was a convenient way out, a very "present help in time of trouble," and I imagine that its application in this case, perhaps, may be safely grounded upon the same basis.

Well, who was Chief Justice Marshall, who they say indulged in slopping over when he was rendering judicial opinions? He was the friend and classmate of James Monroe, the friend of James Madison, the close and intimate friend of George Washington. He was a member of the convention called in Virginia to pass upon the question of ratifying the Federal Constitution, and was the man of all others who succeeded in securing a favorable vote in that convention for that purpose.

He was an eminent lawyer at the bar. He lived in the very time when the Constitution was being framed and talked about and discussed in the public press, at the fireside, in the courts, and everywhere where men do congregate. He was thoroughly imbued, therefore, with every possible view that was presented with respect to the spirit and proper vigor of that instrument. He came to the bench in the year 1801, after having had this preliminary experience. He was an intimate and close friend of Washington, and, with Washington, largely instrumental, as I stated, in carrying the ratification of that Constitution through the Virginia convention.

Why, sir, he was brought up at the very feet of Washington, as Paul was at the feet of Gamaliel, and, like Paul, was "taught according to the perfect manner of the law of the fathers." John Marshall was the author of more of the opinions that are recorded in our reports which pass upon the vital questions of the Federal Constitution than any other of the judges who have adorned that great bench. He was the judge who rendered the opinion in the great Dartmouth College case, in Brown *vs.* Maryland, and in countless other cases which involved the most absorbing study, the most learned research that could be applied to the Constitution of this country.

Now they say he slopped over. Well, Mr. Chairman, if anybody is guilty of obiter dicta in reference to the power of our Constitution, I would commend to the gentlemen who are criticising Chief Justice Marshall's dictum, as they call it, the duty of looking after their own reasoning to see if they are not being led into the declaration of a worse dictum than the learned Chief Justice uttered.

What power has Congress in legislating for a Territory? The case of Scott *vs.* Sandford, commonly known as the Dred Scott case, has been referred to. It is true that some of the announcements made by the majority in that case did not commend themselves to the judgment of the Northern people, at least, in respect to rights in the unorganized territory of the United States.

But, sir, I never heard any criticism made against Judge Curtis, I never heard any criticism made against Justice McLean, that they were actuated by any feeling other than a desire to declare the law. That was perhaps the only case—it is the only one I remember—where each member of the United States Supreme Court prepared a written opinion. The case was of such vast importance, the temper of the nation was such, that each judge thought it necessary to write out his opinion at length. I am not going to stop to read at length from any body's opinion, but the whole court said that—

> The Federal Government enters into possession—
>
> Of its territory—
>
> in the character impressed upon it by those who created it. It enters upon its territory with its power over the citizen strictly defined and limited by the Constitution.

Now, how could that be unless the Constitution extended over that territory?

Mr. WM. ALDEN SMITH. Who said that?

Mr. POWERS. That was the opinion of Chief Justice Taney in the Dred Scott case, speaking for the whole court. Now, Judge Curtis said in his opinion:

> If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

Now, he was applying that to the Territory that was in question. Justice McLean says:

> In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

This House has been deluged with legal decisions for the last week, and I do not propose to add any further burden in that behalf, merely saying that in addition to these cases are the cases of the Mormon Church *vs.* Utah (136 U. S.), Murphy *vs.* Ramsey (114 U. S.), National Bank *vs.* Yankton (101 U. S.), and Geofrey *vs.* Riggs (114 U. S.).

In the case of Geofrey against Riggs, in 114 U. S., the question arose under a treaty between this country and France. By one article of that treaty it was stipulated that citizens of France "in the United States" might inherit property, and a corresponding privilege was given to citizens of the United States in France. The question arose in the District of Columbia. The heirs of one of the parties that came within the scope of the treaty were claiming certain property in this District, and the question was whether the treaty by its language extended to the District of Columbia. Mr. Justice Field delivered the opinion of the court, and in the course of that he says that—

> Although the words "United States" are used, nevertheless the words are to be construed in a way to effectuate the purpose of the treaty, which was to give the people of the United States, wherever they dwell, the right and benefit that that treaty conferred, that they could inherit equally as well as if they lived in one of the States themselves, and so in that way State might mean and does mean under this treaty the District of Columbia.

Now, Mr. Chairman, the Constitution, as we have already seen, was ordained by the people for the United States of America; and the United States of America at that time contained thirteen organized States and a large area of territory known as the Northwest Territory, which belonged to the United States. Over this territory Congress was empowered to legislate. They might "make needful rules and regulations respecting the territory," etc. The power, then, to legislate over a Territory was given. By whom? Was it inherent in Congress? Who gave Congress that power? The Constitution of the United States.

Now, then, if they derive the power from the Constitution, do they not take that grant of power cum onere? Do they not take it fettered and restricted by the other conditions of the very instrument under which the grant of power is made? Most assuredly they do—always do. When, therefore, Congress undertakes to legislate for a Territory, they are exercising constitutional power; they are exerting the vigor of the Constitution; they are carrying a portion of sovereign power into a specific act; and in that way, and in no other, Congress may be said to legislate the Constitution into a Territory.

Why, we have heard something said here during this debate about Congress extending the Constitution over a Territory by legislative act. What do you mean by that? Has Congress any

power to give the Constitution effect and put it into operation anywhere outside the power that the Constitution itself prescribes? Can you say, "Be it enacted that the Constitution shall be extended over Ireland?" Does that carry it there? Not at all. The idea that Congress can legislate the Constitution into a Territory by specific enactment is, it seems to me, a fallacy; but I can understand what they mean. If they say that Congress can under the Constitution extend some of the powers granted by the Constitution, it may be that it at least carries the Constitution into that Territory; and it is only by force of legislative act in that way that you can extend your Constitution over a Territory.

Why, take the case referred to by my friend from Minnesota [Mr. TAWNEY]. He alluded to the admission of the State of Vermont, the first of the newborn States. The circumstances attending that admission were these: Vermont was an independent State, fully equipped with all the machinery of government—a governor, legislature, courts, mail routes, post-offices, and everything that an independent nation has. It was known as "the independent State of Vermont." It had fought its way to independence, the same as the colonies had theirs, but it was not one of the colonies, no part of any one of them. It set up housekeeping for itself, and it organized this new government, and so an act providing for its admission recites that—

Whereas the State of Vermont desires admission——

Mr. TAWNEY. The act for the admission of Vermont did not provide for the extension of the laws of the United States.

Mr. POWERS. I am coming to the point you make. The enabling act provides:

Whereas the State of Vermont—

Recognizing them as a State by name and calling them by name—

has petitioned for admission into the Union: Therefore,

Be it enacted, etc., That the State of Vermont be admitted into the Union.

Now, then, a day or two later, as my friend says, Congress did pass an act extending the laws of the United States to the State of Vermont so far as they were locally applicable. Now, I want to ask of my friend when did the Constitution get up there?

Mr. TAWNEY. When the State was admitted into the Union.

Mr. POWERS. Well, how; by force of its own vigor?

Mr. TAWNEY. By the fact that it had become a State of the Union.

Mr. POWERS. In its own proper vigor?

Mr. TAWNEY. Yes, sir.

Mr. POWERS. Did the legislative act have anything to do with it?

Mr. TAWNEY. No, sir; it only extended the laws of the United States to Vermont.

Mr. POWERS. What is the process, if my friend will kindly inform me, under which the Constitution gets there when it sets its proper vigor in motion?

Mr. TAWNEY. It went to the State of Vermont because the Constitution of the United States was adopted for the United States, and as soon as Vermont became a State the Constitution, of course, extended to that State without any Congressional enactment; but the laws which had previously been enacted for the United States, in the judgment of the men who made the Constitution, did not extend to the State of Vermont. The question, however, of whether the Constitution extends to a Territory is an entirely different question. When a State becomes a part of the United States, which is mentioned in the Constitution, the Constitution necessarily applies to that State.

Mr. POWERS. Let me submit to my friend and to the House whether this is not the logic of that proposition. When Congress passed its enabling act admitting Vermont into the Union——

Mr. TAWNEY. Right there will the gentleman allow me a suggestion? The State of Vermont was admitted by a little bit of a resolution of about six lines.

Mr. POWERS. Yes; it never took a great deal of work to get Vermont into the Union. [Laughter.]

Mr. WM. ALDEN SMITH. It would take a good deal to get her out.

Mr. POWERS. Let me inquire if this is not the logic of the proposition, that when Congress passed the enabling act admitting Vermont into the Union it was exercising its constitutional power?

Mr. TAWNEY. Yes.

Mr. POWERS. And the mere exercise of that power carried the Constitution into or over or upon the object of its exercise.

Mr. TAWNEY. It made Vermont a part of the United States, and the Constitution already adopted for the United States of course applied to the State of Vermont.

Mr. GAINES. Will the gentleman from Vermont allow me a question?

Mr. POWERS. My friend from Tennessee will have to excuse me. I have about all on this side of the House that I can attend to. [Laughter.]

Now, then, Mr. Chairman, as I said at the outset, I have no pride of opinion that will forbid my conversion to any different theory, if some gentleman will point out to me the fallacy of this reasoning. But if this reasoning be sound, it follows inexorably that wherever the American people, in the exercise of their constitutional power, plant the American flag, that act itself carries with it the Constitution of the United States, because that act itself is the exercise of the proper vigor of the Constitution and extends such vigor to the object of its exercise. The companionship of the flag and the Constitution is as inseparable as was that of Ruth and Naomi.

Mr. TAWNEY. Will the gentleman allow me a question right there?

Mr. POWERS. Certainly.

Mr. TAWNEY. He will admit that if that is so the men that made the Constitution must have so understood it; and if they did, why was it necessary for the men who made the Constitution and participated in the proceedings of the First Congress of the United States to enter into a solemn compact with the people inhabiting the Northwest Territory for the purpose of insuring to them all the fundamental rights in regard to personal liberty and property secured by the Constitution, if the Constitution already extended to the Northwest Territory?

Mr. POWERS. You mean by an act of Congress?

Mr. TAWNEY. Yes; by an act of Congress they entered into that solemn compact.

Mr. POWERS. Was it an act of Congress or an act of the Confederation?

Mr. TAWNEY. An act of Congress.

Mr. POWERS. After the adoption of the Constitution?

Mr. TAWNEY. The seventh act passed by the Congress of the United States.

Mr. WILLIAMS of Mississippi. He means the Congress of the United States reenacted the act of the Continental Congress.

Mr. POWERS. When the Constitution was adopted it superceded the Articles of Confederation. The Northwest Territory came to us before the Constitution was adopted, and the Congress of Confederation, without any power specified in those articles, proceeded to legislate over it. It raised the question in the minds of some people as to the power of the Congress of the Confederate States to legislate upon the subject for which at least no power had been delegated to them. For this reason new legislation was had. The Congress of Federation was an absolute despotism, so to speak. It combined all the executive, all the legislative, and all the judicial powers of the people, and there was no President, no court, except as they acted provisionally.

Mr. WILLIAMS of Mississippi. If the gentleman will permit me a suggestion right there, there was doubt upon another question, and that was whether a law of the Continental Congress was a law of the United States unless it was expressly reenacted. Now, the Continental Congress had made a solemn compact with the States of Virginia, New York, and Connecticut, and it was considered necessary, in order that it should be binding law on the United States, that it should be passed by the Congress of the United States.

Mr. TAWNEY. But, if the gentleman will pardon me, in reenacting the act they expressly negatived the idea that the right created by the act of the Constitution of the United States extended to the people of the Northwest Territory.

Mr. WILLIAMS of Mississippi. I think the gentleman——

Mr. POWERS. Mr. Chairman, I do not want to disturb the equilibrium of this situation in the least, but as long as I have the floor I shall have to ask my friends to postpone their little byplay until a more convenient season. [Laughter.] You must not imagine that because I am good-natured now I always shall be. [Laughter.]

Now, then, there is another little test I want to apply to the understanding of our people in and out of authority. I believe that in all the Territories of the United States——

[Here the hammer fell.]

Mr. MCCALL. I ask unanimous consent that the gentleman from Vermont [Mr. POWERS] be granted fifteen minutes additional.

There was no objection.

Mr. POWERS. Now, in response to the courtesy of the House I must give notice that I can not possibly yield for interruptions. My time has been picked away from me in that manner already.

As I was saying, in every Territory of this Union—and I presume the same thing is true in Puerto Rico, though I can not aver it—every official is called upon to take an oath to support the Constitution of the United States. Why do such officers swear to support the Constitution if it does not apply to them? Why exact of them such an oath? Does not the exaction show that those in authority are in accord with the ancient notion that has come to us from a hundred years ago that the United States includes all territory over which the flag floats? It seems to me so.

I insist that all the power that this Congress has in the premises or in any premises is just so much as and no more than is conferred by the Constitution of the United States.

It has been urged here, as I have already observed, and I wish to return to the question, that Congress in legislating for territory has a plenary power. The gentleman from Pennsylvania [Mr. DALZELL] labored very ingeniously and very plausibly to convert me and others to the notion that plenary power was something outside of the Constitution—something beyond the Constitution.

Article I, section 1, of the Constitution provides:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Now, the people were sovereigns. They parted, among other things, with their sovereign right to legislate. They declared that that right which they parted with should be vested in a Congress consisting of a Senate and House of Representatives. These two bodies are endowed with just so much legislative power as the Constitution conveys. In another article the instrument conveys the right to admit new States; under this provision Congress admitted Vermont and Texas and other States. Another provision conveys to Congress the right "to make rules and regulations for the government of the territory and other property belonging to the United States."

That clause has been held to mean, and, in fact, it should be held to mean, that Congress may legislate on the subjects named, because Congress can make no "rule or regulation" unless in the form of a legislative act. They do not prescribe a lot of by-laws, but they enact something in the ordinary form of law, and that is the only way they can make rules or regulations, and this is what they do in respect to the Territories.

The gentleman from Pennsylvania says that this is a plenary power. I agree that it is plenary to the extent of its scope. I agree that so far as the Constitution has conferred that power it is plenary. A better word would have been "exclusive." It is an exclusive power to legislate for the Territories. The provision, instead of authorizing Congress to make "needful rules and regulations," might just as well have read that "Congress shall have power to legislate." But if Congress has any power to legislate for a Territory other than or outside of or beyond what is conferred by the Constitution, will not some gentleman be kind enough to tell me where Congress derives any such authority? It is not inherent in Congress, because Congress itself is the creature of the Constitution.

Now, if Congress has plenary power, or whatever other name you may apply to it meaning power outside of the Constitution, it is due to us who are seeking light on this question that the Committee on Ways and Means should kindly inform us whence the origin of that power and when and where it was granted. Why, Mr. Chairman, this is the most dangerous proposition that was ever announced on the floor of Congress. If Congress has a power outside the Constitution it is the worst possible despotism that could be set up on American soil. Is this what the fathers of the Republic, when they framed that sacred instrument, contemplated? Did they suppose they were fashioning a government that should result in giving to the legislative body of the nation a power to do whatever it might please? Not at all, sir. They hedged these legislative provisions about with various safeguards and restrictions; they hedged about the powers of Congress more than any other powers conveyed by that instrument. The President of the United States can act within the scope of his jurisdiction, but his acts may be overturned by the Supreme Court.

The Congress of the United States are under a double check. First, the President may veto their action if they run wild, and, secondly, the courts may set it aside if they run wild. And the history of all free states shows that the dangerous element in a free state is the legislative element, not the executive element. In a monarchical state the danger is in the crown, in the executive authority; but in a free government the danger is in the exercise of undue legislative power, and that is the very reason why the President is given a veto over the action of Congress.

But, sir, I have dwelt long enough on this question—too long. I am well aware that I have not assisted the House in working out this question to a satisfactory conclusion. I confess that it has been very difficult for me to satisfy myself. But it seems to me that the bill violates the clause of the Constitution requiring uniformity in the imposition of duties, as it discriminates against Puerto Rico.

A great many years ago, in one of the workshops of one of the marble manufacturing establishments in my State—one of the largest in the country, if not in the world—I saw a piece of statuary which represented a giant in a sitting posture with his arms inclosed about the waist of a struggling maiden. With flowing hair, with frenzied eyes, with outstretched arms, she was trying to make her escape.

On inquiry of the artist, I was told the idea that he sought to represent; that the design was to picture science controlling electricity, and I thought it a most beautiful conception and most admirably and artistically worked out. There was this little, impatient, flashing, elusive element in nature entering into a desperate struggle to get beyond the bonds which held it and which were illustrated by the strong arm of the giant.

I have wondered, Mr. Chairman, whether that did not typify the situation that presents itself to us at the present time—the Federal Constitution with its strong right arm around the American Congress, that is struggling and stretching out its arms to wander at will, impatient in its restraint, but still firmly held by the restrictions and fetters that the Constitution imposes. That work was designed for a public building in Boston. Why not order a duplicate of it for Washington?

And while I do not profess to know anything as to the æsthetic taste of my friends on the Ways and Means Committee, I would suggest whether, instead of placing such a group in Statuary Hall, it would not be better for the righteousness of fiscal legislation to place it in the rooms of the Committee on Ways and Means. [Laughter and applause.]

This question of constitutional power is not to be the butt of ridicule, as some have tried to make it; it is vital that the Republican party, charged with legislation respecting our new possessions, should frame a policy that the courts will indorse. Otherwise the butt of ridicule will be turned to plague its authors.

Mr. Chairman, until this day nobody has ever held that Congress could go outside the Constitution and legislate upon any subject, at home or abroad. It is a new discovery, a new doctrine that is unsupported in reason, in logic, and in law. When the Constitution declares that duties must be uniform throughout the "United States," it plainly means "uniform"—at the same rate—in all places on American soil where duties can be levied, and the only answer that can be made to this proposition is that now insisted upon, namely, that outside the organized States Congress can put the Constitution behind them and act of its own free unhampered motion—that the Constitution does not extend to Puerto Rico, and so the people of Puerto Rico have no constitutional rights that white men are bound to respect. The question is not whether the Constitution extends to Puerto Rico, but whether it extends to Congress. If it does, then we are held to its observance whenever and wheresoever we exercise its power.

Puerto Rico is either American territory or foreign territory. It can not at one and the same time be both, nor can it be American for one purpose and foreign for another. It can not be American for purposes of government and foreign for purposes of plunder.

Mr. Chairman, I have thus tentatively expressed the reasons that lead me to the conviction that the proposed legislation is at least of doubtful constitutional validity. The long unquestionable opinion of the people, the views of the courts, and the language of the Constitution itself, all point in this direction.

I have done my duty by contributing my views to the common fund of debate—not, as I said at the outset, assuming to instruct, but hoping for light and inviting correction if in error. We have a tribunal organized for the express purpose of deciding all such questions. When that tribunal shall decide this one, I shall accept its decree as final, and certainly shall not seek escape for my logic by branding the decision as an obiter dictum.

But, sir, if the legislation is constitutional, the next question arises, is it expedient?

Whatever may have been the differences in the public mind touching the acquisition of foreign territory under the Spanish treaty, but little objection has been made to the acquisition of Puerto Rico.

Lying at the gateway of the Gulf, it will stand strategically as an outpost guarding Gulf ports and the entrance to the Isthmian Canal, now certain to be built.

In war, for which thoughtful nations will in time of peace prepare, such an outpost is a vital necessity as a home shelter for our own and a threatening menace to our enemies' fleet.

In time of peace it can be made, under proper tutelage, a constantly growing market for the surplus of our agricultural, manufacturing, and commercial industries. Its people are more susceptible to civilizing growth than most oppressed Spanish subjects. Its physical geography admits of promising material development. Its harbors are buttressed by impregnable natural defenses against the elements that beleaguer their anchorage. Its climate is healthful and inspiring and will permit American immigration.

Plant the little red schoolhouse on its slopes, open its doorways to unfettered commercial intercourse, send the schoolmaster and philanthropist to set up before its people the lofty ideals of American civilization, give them a hope rather than a dread, uplift rather than downtread them, inspire the belief that they are wards rather than slaves, and in the near future we may fondly hope that they will become educated enough, Christianized enough, and Americanized enough for home rule and free American citizenship. All this done, no reason of location or character or characteristics can long delay the admission of the "Pearl of the Antilles" as a State in the Union.

But treat them as a mere colonial dependency, as a legitimate

prey, as the victim of mercenary greed, so that the change of allegiance is at best a mere change of masters, and oppression, now as before, is the doom of these people, you eternally disgrace American statesmanship and by comparison make that of Spain respectable. Puerto Rico is American territory, under the American flag, and amenable to our sovereign authority. Upon principles of justice and fair dealing, as well as by our traditions and our unbroken policy, she should stand for consideration as all other territories have stood from the birth of our Constitution.

A large majority of our States are the outgrowth of territorial pupilage. No one of them has been taxed upon its imports or exports. This bill marks a new departure in our fiscal policy and must not be lightly considered nor hastily passed.

Free trade among ourselves is the bed rock upon which our dogma of protection rests. Our own markets must be free to every citizen who dwells on American soil. We create them; we protect them in peace and in war. We are taxed to support them, and thus have the right of free access to them. If strangers seek them, they must at least stand on no vantage ground over us. They must pay an equivalent that will equalize any economic advantage they may have or any economic disadvantage we suffer.

President McKinley, in his annual message sent to us in December, says that it is—

> Our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

I prefer to stand with the President, who views the field from a higher standpoint than any of us. He advised our exchange of products with Puerto Rico without tribute on either hand. If Puerto Rico "belongs" to us or "appertains" to us or is "part" of us, how can we exact of her a tribute that we do not exact of any other of our "belongings," our "appurtenances," or our "parts?"

I heard a gentleman yesterday who advocates the taxation of Puerto Rico products as proposed by this bill say that under its provisions we were taking the part of the good Samaritan. If I recall the parable correctly, it seems to me that the committee is as far from the teachings of the parable as they are from the teachings of the Constitution.

Puerto Rico is the victim of thieves. She wants oil and wine, not taxation. She can recover from her wounds if she can get her food and necessaries of life without tribute. You propose to tax the breadstuffs, agricultural implements, boots and shoes, lumber, and every other of the necessaries of life that should enter Puerto Rico free. True, your tax is moderate, but any rate of duty is a burden. You send a cargo of these same necessaries to every other American port free. Where does the good Samaritan "come in" in this proceeding?

Our people desire new markets. Puerto Rico already is a buyer of our agricultural products. In 1896 out of a total of 173,678 barrels of wheat flour sent from the whole world to Puerto Rico the United States sent 157,259.

In the same year out of a total of hog products, comprising bacon, hams, pork, and lard, sent to Puerto Rico from the whole world amounting to 10,322,046 pounds the United States sent 10,220,477 pounds.

In less proportion but in large amounts we sent them beef products, potatoes, beans, pease, butter, cheese, wood manufactures, iron and steel manufactures, mineral oils, coal, cotton manufactures, paper, patent medicines, glassware, and so forth.

The character of our exports to the island indicates the wants of this people under the oppressive domination of Spain. It is easy to see how those wants will be multiplied under the uplifting conditions of American control.

Puerto Rico sends to us coffee, sugar, and tobacco. These exports represent practically all that the island raises, though oranges, bananas, and other tropical fruits can easily be made important exports.

We receive from the island exports that we want; we ship to the island products they want. It is, therefore, in the main an exchange of the necessaries of life, and according to the Republican faith such exchange, in normal times, should be effected without tax.

What excuse can you make to the farmer and the manufacturer, both of whom look upon our expansion of territory as promising them new customers for their products, when you tell them they must pay a duty on their shipments, while in every other American port their shipments go free? It would be wise politics to answer this question now rather than next October.

We have but one plain duty in the premises, and that is to legislate for this little island, about the size of Rhode Island and Delaware combined, on the basis of a broad charitable duty, to encourage and uplift them, and the bread that you cast upon the waters that wash its shores will speedily return, multiplied tenfold.

And in all acts of legislation, wherever it be applied, let it not be forgotten that the Constitution is the chart and compass that guides our action, and that it was not made for the straightened margin of the Atlantic coast, but for the millions of men that should people the vast expanse of our territory, for those that had already attained the full stature of American statehood, and for those who invade our unorganized domain to bring new States under its beneficient empire, and for those who have for three hundred years been doomed to a vassalage worse than slavery, and now, in the vicissitudes of war and under the blessing of Almighty God, have gladly, hopefully, and loyally invoked a better life and a higher civilization under a sovereignty which respects the rights of man. "Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets."

Much as I dislike to differ with a committee of this House upon a matter so serious as that now under consideration, yet, sir, I believe that our organic law commands and every impulse of the heart compels the defeat of this bill in its present form.

If the committee will modify its terms, or minimize its baneful effects, or limit its cruel exactions, I could with greater charity excuse them, but in its present form I shall never give it my support. [Loud applause.]

During the delivery of the foregoing remarks the following proceedings took place:

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that I may be permitted to print in the RECORD further remarks touching this question.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. BROUSSARD. Mr. Chairman, it has been properly stated that this is the most important question ever called up for solution by any Congress. To my mind, the life of the Republic is involved in the principle underlying this bill; liberty is up for judgment; security and safety are threatened. If the contention of the majority of the Ways and Means Committee be correct, then suddenly, even as the chameleon changes his color, just so has the Republic been changed into an empire. But one post of safety lies beyond our present line; but one other post to be captured by the majority, and the surrender is assured. The Supreme Court alone can reverse the findings of this body, crazed by the glitter of empire into forgetfulness of the fundamental dogmas of republican government and of the religion of liberty. Did not my faith go to the wisdom and rectitude of that high tribunal, then indeed would my soul despair for the safety of the temple of liberty.

Believing as I do, that territory can not at one and the same time be in the Republic and out of it; that one can not at once be a citizen of the Republic and an alien to it; that Congress can not adopt a law establishing a religion in Puerto Rico, nor one preventing the free exercise thereof; nor for abridging the freedom of speech or of the press in that Territory; nor deny the rights of its people to assemble peaceably and petition the Government for a redress of grievances; nor infringe the right of the Puerto Rican people to keep and bear arms; nor to quarter any soldier in time of peace in any house on that island without the consent of the owner, nor in war but in accordance with law; nor to relieve from immunity the persons, houses, papers, and effects in that Territory from unreasonable seizure and search; nor provide to try a person in Puerto Rico for a capital or infamous crime except on presentment or indictment by a grand jury; nor for being twice put in jeopardy of limb or life; nor for compelling a witness to testify against himself; nor depriving him of life, liberty, or the pursuit of happiness without due process of law; nor for taking property for public use without just compensation; nor for depriving an accused of a speedy and public trial, or of trial by jury in the State and district wherein the crime shall have been committed; nor providing against being informed of the nature and cause of the accusation, and being confronted by the witnesses against him; nor depriving the accused of compulsory process for obtaining witnesses in his favor or deprived of the assistance of counsel; nor for the exaction of excessive bail, nor excessive fines; nor from cruel and unusual punishments; nor authorizing slavery and involuntary servitude, except as punishment for crime upon due conviction; nor for the enactment of any law impairing the obligation of contract; nor of passing any law denying or abridging the right to vote on account of race, color, or previous condition of servitude; nor of suspending the writ of habeas corpus in times of peace; nor for a bill of attainder; nor of passing an ex post facto law, etc., any more than of imposing a tax not uniform in its application throughout the Republic.

If this measure can become the law, then no restriction operates on Congress upon all of these matters, since they are, each and every one, prohibitions on Congress, and the power to disregard one of the restrictions is the power to disregard all of them.

I believe the spirit and the letter of the highest law of the land

impose these restrictions on Congress, and I shall never consent to legislate them away, nor confer these powers on myself as a member of this body, for I am firmly convinced God created no man good enough to govern his neighbor except within these restrictions. I could not subscribe to the doctrine involved in this measure without battering down my judgment, nor could I vote for it without committing a rape on my conscience.

I need quote no authority on this point, primarily, because the position is essentially self-evident and fundamental, and for the further reason that such authorities have been fully discussed by my colleagues who occupy this side of the controversy.

But if I did not entertain this opinion, I would still be precluded from voting for this measure by the inequalities of it and the wickedness of its scope. Taking that view of the matter, I shall show that this measure, even with the constitutional objection waived, is so bad as not to deserve the support of fair-minded men on this floor.

I desire, Mr. Chairman, to call the attention of the committee to the arguments of the gentleman from New York [Mr. PAYNE], chairman of the Ways and Means Committee and leader of the majority on the floor.

I take up his argument not as indication of favor to him, but because of his high position in this House, and as the head of the committee who framed this measure he necessarily has given much time and attention and thought to the subject, and his argument must be accepted as the essence of the reasons and wisdom impelling the committee's action.

I listened to his argument a few days since with every attention, and I have since read the speech, so as to make certain that I did not misunderstand either his language or his reasons or his conclusions.

I was indeed, Mr. Chairman, astounded at some of the statements made by the gentleman. I admit he has furnished me the best reason to oppose this measure, apart from the constitutional question involved, than any I have heard.

The burden of his task was to prove that there should be no internal-revenue tax in the island proper, and that we were in duty bound to find a market for the production of the island.

Here is the gentleman's argument on the first proposition:

> They manufacture there annually a million and a half gallons of rum. It is sold all over the island. It is a necessity of life, or they think so, for the poor people of that island. These million and a half gallons retail at from 25 to 40 cents a gallon. The internal-revenue tax upon that, under the law that we were about to extend, would amount to $1.20 a gallon. The price to these people would be multiplied by four. How could they get their rum? We were cutting it off.
>
> Well, now, some gentlemen may say they would be better off without the rum. I think that myself, that constitutionally and in the matter of laying up money they would be better off without the rum, but they have been used to it all their lives. They are poor people, and when a government comes along and arbitrarily cuts off rum from a community that has been accustomed to it, every man of whom wants it, why there is bound to be trouble, and there would have been trouble with those Puerto Ricans if we had passed that act in that way to cut off their supply of rum.

So the people could not stand the tax on their rum? Well, if they can not on rum, how can they on their flour and wearing apparel and their pork and their rice and their lumber? I pause for an answer. But the gentleman says the attempt to collect such a tax would bring on trouble. And pray, sir, who here fears trouble in the execution of the law?

Indeed, the gentleman has been metamorphosed a good deal since last I heard him. In the Philippines it was, Shoot them down if they resist arbitrary authority. In Puerto Rico the gentleman wishes us to be cautious not to legislate the Puerto Rican on an equality with the American, lest we may excite the ire of these people and trouble might follow. This statement is unworthy of the gentleman.

It is a slander on Puerto Ricans, for I believe as long as the duty devolves on Congress to legislate for them within the Constitution, they will always appreciate that they come into this great Republic not as favored by the law, but as persons entirely amenable to the law.

This internal-revenue tax would amount to $1,800,000 and would alone have afforded two-thirds of the necessary revenues to administer the affairs of the island. At the same time this legislation would be fair to the people there and here.

Now, Mr. Chairman, here is another idea of the gentleman. He says these people have lost their market by submitting to the United States. This is not true.

The gentleman says:

> The three principal items of export were coffee, sugar, and tobacco, in the order named. About 60 per cent of the total exports was coffee, about 20 per cent sugar, and about 5 per cent tobacco.

Coffee, then, is 60 per cent of their export. It was free into this country before the invasion of the island. It is free now. It will be free under this bill; so that at one fell stroke 60 per cent of their exports is eliminated from this discussion by the gentleman's statement. This bill, therefore, as to 60 per cent of exports, can neither improve the condition of the Puerto Rican nor injure him, no matter what its fate.

As to sugar, he says:

> Of sugar about three-fifths came to the United States and two-fifths went to Spain. That is about the proportion that has been exported to the two countries for the last ten years. Some of the time perhaps we got two thirds of it.

Sugar, then, is 20 per cent of his export trade. The Puerto Rican, despite the advantages Spain gave him, for at least ten years past has preferred—found it more advantageous—to ship from three-fifths to two-thirds of his sugar crop to the United States, preferring to pay the tax imposed on him by the Dingley law to the trade advantages Spain gave him. So that his condition is changed under the present order of things only from two-fifths to one-third of his sugar production, which formed 20 per cent of his exports. And, clearly, if he found it advantageous heretofore to ship two-thirds, why can he not ship the entire crop now under the same condition?

So that, when you come to sift down the argument of the gentleman from New York [Mr. PAYNE], you find that all the complaints of the gentleman—all the disasters, injustice, etc.—growing out of the transfer of this island, as he says, affects scarcely 20 per cent of his export trade of 17,000,000 pesos, or only 3,400,000 pesos of that trade is affected, at worst. As the gentleman has not enlightened the House on this 20 per cent, we have the right, and it would seem logical, to conclude that as to this 20 per cent he is no worse off than as to the balance.

The benefit conferred on the Puerto Rican is that you have relieved him from the annual Spanish tax of over 5,000,000 pesos—that is, of a tax of $3,000,000.

The gentleman says the sugar tax under the bill is borne by the people of Puerto Rico. I controvert the gentleman's position, and can even refute him by so high an authority as himself.

He contended in the discussion of this measure that we paid nothing when we returned the collections made on sugar and tobacco in our ports, that the money we collected was paid by the Puerto Rican, and when we returned him the money it was his own money we returned, for, as the gentleman says:

> That makes a pretty figure if you remit all that duty of $1.60 a hundred pounds, or $35.84 for a long ton, a total of $1,600,000 on the 45,000 tons that they will export to the United States this year. Suppose we take a quarter of that and give them three-fourths.
>
> Suppose we take $400,000, or rather give it into the hands of the President of the United States, in order to carry out the benevolent object of building roads and building schoolhouses for these Puerto Ricans; are we not dealing more generously with these whole people to do that—that is, to provide schools on the mountains and on the mountain sides, where the poor coffee planters are struggling along for an existence—than to give the whole of it to the sugar planters and let the schools go? [Applause.]

Again he says:

> So with tobacco. I find that the whole duty on their 4,000,000 pounds of tobacco, at 35 cents a pound, would amount to $1,400,000. We might give this to the tobacco planters, because on all these articles, gentlemen, make no mistake, the price of sugar and the price of tobacco is made in the United States, and they have to pay these duties to get into our markets. And if we remit the duty, we remit for them. Suppose we say, then, we will divide with these people; that we will give them $1,000,000 out of their duty on tobacco, and take $350,000 and add it to the revenues to come from these islands.

The gentleman takes the position that the tariff on sugar and tobacco is borne by the Puerto Ricans. He argues that if these articles are brought into this country under this bill they will pay a tax, paid exclusively by the Puerto Rican people, and therefore that we ought to pay the money back to them. Now, it happened that the gentleman some years ago, in the Fifty-first Congress, when the same question was pending before Congress and the McKinley bill was being discussed, when the question was to remit the entire tax upon sugar and to substitute for it a bounty of 2 cents a pound, the gentleman gave utterance to certain sentiments, and I want to compare them now with the sentiments uttered by him the other day as he addressed the House upon this question. He then said that the tax was being paid by the people of this country, and now he says that when we give back this money after having collected it we are only doing the thing which is right—to return the tax to those who have paid it. He said in the Fifty-first Congress:

> It appears that last year we imported sugar and molasses to the amount of 2,700,547,667 pounds, on which, including molasses, we paid duties amounting to $55,975,984.52.
>
> Now, in this instance the tariff was a tax and was added to the price which the consumer paid for the imported sugar. There is no mistake about that. No Republican has ever denied that. What we have said, and what we do maintain, is that where you can produce articles in this country in competition with imported articles and you impose a tariff duty, the price goes down, in some instances even below the amount of the duty, and in such a case the tax is not added to the price of the article and the tariff is not a tax.

Again, he said:

> Somebody, therefore, got the 2 cents a pound, which was the amount of the tariff, because, as I have said, in this instance the tariff is added to the cost of the commodity.

So that when the gentleman was making a speech for the repeal of the duty upon sugar he contended that the tax that was imposed upon sugar imported into this country was a tax which the sugar consumer paid and that the foreign producer paid none of it. The other day, when he undertook to show that the American people were giving nothing to the Puerto Rican people by transferring the revenues under this bill into the treasury of Puerto Rico, he took the position that the tax was being paid by the foreign producer, and therefore we lost nothing by giving this money back to the Puerto Rican people.

Now, I believe the gentleman was right in the Fifty-first Congress and wrong the other day; so, therefore, we relieve these people of $1,200,000 of duty and collect $400,000 on sugar paid by the consumer, and then give the $400,000 to them to build roads, schools, etc. And we relieve them of the additional sum of $1,000,000 of tariff and collect $350,000 on tobacco paid by the consumer, and then give the $350,000 to build roads, schools, etc.—$2,750,000 to secure the trade of a million people, or $2.75 per capita of the trade of $10,200,000.

Mr. HAWLEY. If the gentleman will pardon me, I should like to ask him a question.

Mr. BROUSSARD. Why, certainly.

Mr. HAWLEY. Do I understand you to contend that the money which is paid here in importing sugar from Puerto Rico is paid by the American people?

Mr. BROUSSARD. I not only say that, but I quote the authority of the chairman of the Committee on Ways and Means [Mr. PAYNE] in support of it. [Applause on the Democratic side.]

Mr. HAWLEY. I am not asking any higher authority than the gentleman who is addressing the House, and I desire to know of him now whether he believes that the importation of the sugar from Puerto Rico under this bill, taxed as it is 37½ cents per hundred pounds, or approximately that, will influence in any way the price of sugar in this market?

Mr. BROUSSARD. You mean just simply the Puerto Rican crop?

Mr. HAWLEY. I mean the Puerto Rican crop. That is what we are discussing.

Mr. BROUSSARD. I do not think it will affect the price of sugar at all, so far as the Puerto Rican crop is concerned; but if the policy that your party is adopting relative to this island is carried out as to the Philippines or Cuba, I believe we will not raise a pound of sugar in the country, either in Louisiana or in the North, where beet sugar is being raised. [Applause on the Democratic side.]

Mr. HAWLEY. Do I understand the gentleman to say that the price will not be affected and that the American people will not pay the tax which is levied in the import duty prescribed in this bill? That is the only question that I wanted to ask.

Mr. BROUSSARD. I object to being interrupted further, inasmuch as my time is very limited, but I will state to the gentleman upon this question that while I do not believe forty or fifty or a hundred thousand tons of sugar raised in the island of Puerto Rico can affect the price of sugar in this country, I still believe that when that sugar comes in here under that bill the tax that will be collected will be paid by the American people and given to the people of Puerto Rico. [Applause on the Democratic side.] I want to say right here that while I might under some circumstances favor a tariff that shall in some way protect American labor and American product, I shall never consent to a tariff that affords no protection, lays down the basis for the destruction of a great American industry, and does not put a cent in the Treasury of the United States.

Now, Mr. Chairman, upon this question of sugar. The entire output of the world in sugar is about 8,000,000 tons. Of that, 6,000,000 is beet sugar and 2,000,000 is cane sugar. We consume 2,000,000 tons. Of that amount we produce in the United States 250,000 tons of cane sugar and about 100,000 tons of beet sugar.

The following table shows the production of beet sugar in the United States:

	Tons.
New York	2,300
Illinois	3,000
Michigan	24,000
Minnesota	3,500
Nebraska	7,000
New Mexico	900
Colorado	1,000
Utah	9,000
Oregon	1,100
Washington	500
California	42,700
Total	95,000

The Hawaiian Islands produced last year 300,000 tons, and this year's crop is estimated to exceed that by 50 per cent. Puerto Rico can produce 150,000 tons and more, the Philippines certainly 500,000 tons, while Cuba's production since 1853 is as follows:

Year.	Tons.	Year.	Tons.	Year.	Tons.
1853	322,000	1869*	726,000	1885	631,000
1854	374,000	1870*	726,000	1886	731,723
1855	392,000	1871*	547,000	1887	646,578
1856	348,000	1872*	690,000	1888	656,719
1857	355,000	1873*	775,000	1889	560,333
1858	385,000	1874*	681,000	1890	632,368
1859	536,000	1875*	718,000	1891	816,980
1860	447,000	1876*	590,000	1892	976,960
1861	466,000	1877*	520,000	1893	815,894
1862	525,000	1878*	533,000	1894	1,054,214
1863	507,000	1879	670,000	1895	1,004,264
1864	575,000	1880	530,000	1896	†225,221
1865	620,000	1881	493,000	1897	†212,051
1866	612,000	1882	595,000	1898	†300,000
1867	597,000	1883	460,397		
1868	749,000	1884	558,967		

*During the ten years' war.
†Note decrease during the last war, thus exceeding just before the late revolution 1,000,000 tons.

Now, then, if we carry out the policy which I described a while ago to my friend from Texas [Mr. HAWLEY], and we take in all of these islands, what becomes of our home sugar? In Cuba there has been raised at one time in one year as much as 1,054,000 tons of sugar, or over one-half of the entire consumption of the American people of that article. We find that in Puerto Rico—the estimates are by gentlemen who came here representing the sugar interests before the Committee on Ways and Means—that while they have not produced more than 60,000 or 70,000 tons in any one year, that the capacity of the island for the cultivation of sugar perhaps exceeds 170,000 tons.

I find that to be the opinion, as I understand, of General Davis. We find in Hawaii that they produced last year 300,000 tons of sugar; and this year the production of sugar will increase by 50 per cent, due to the fact that Hawaii has been taken into this country and has the opportunities of the American market. We find that as to the Philippine Islands there is no estimate of the amount of production of sugar, but under the crude conditions prevailing they have produced there 500,000 tons, and in the Visayas alone 325,000 tons were produced in 1893, or more sugar than was raised last year in the State of Louisiana. So that the entire tonnage of sugar in all of those islands if added together will largely exceed the amount of sugar consumed by the American people. These islands have already demonstrated that fact. What their ultimate capacity for production is can not even be surmised, so immense is it.

Now, then, what is the result of such a policy? Let us compare the conditions under which sugar is produced there and here. Let us compare the yield per acre, the wages paid, the cost of production, and all of those things that enter into the cost of the production of sugar, and see how our people will fare under this policy.

In Puerto Rico we find this from the report of the Secretary of Agriculture, relating to the cost of labor in that island:

> I investigated the wage scale of the sugar, tobacco, and coffee industries, and these are the chief ones of the island. A great many boys from 10 to 15 years of age are employed. They get from 15 to 35 cents a day only, Spanish money, or from 9 to 18 cents, American money. The unskilled adult laborer receives from 35 to 63 cents, or an average over the island of 50 cents, Spanish money. This equals 30 cents, American money.

In Cuba I have no doubt the wages are the same as in Puerto Rico. In the Philippine Islands, I find from reading the book recommended to us by the gentleman from Mississippi [Mr. WILLIAMS], The Philippine Islands, by John Foreman, the following as the scale of wages paid in the islands:

Laborers (sugar making, three months), per week	$1.50
Laborers (by the year), per month	4.00
Overseers (by the year), per month	6.00
Machinists (sugar making), per month	30.00

Now, I want to compare this scale of wages with the wages paid in the sugar districts of our country. I understand that the wages paid in the beet-sugar districts are higher than those paid in Louisiana. The laborers in Louisiana receive 80 to 90 cents per day; during the sugar making a dollar per day; skilled laborers from $2 to $5 per day. And by skilled labor I do not merely mean mechanics, but all the men employed around the machinery in the refineries—men who have not been educated to any particular trade, but men who are able by efficiency to manage portions of the machinery. They get from $2 to $5 per day as against $1.50 per week in the Philippine Islands. The production of sugar per acre is found to be—

	Tons.
Puerto Rico	2
Hawaii	4 to 11
United States (beet)	1 to 1½
United States (cane)	1 to 1½

In the United States the planter of the sugar beet plants it from

the seed, and it costs a very small amount. In the sugar-cane district the planter is compelled to save one-third of every year's crop in order to make seed for the following year; so that he plants 3 acres of land in order to grind sugar off 2 acres, and therefore one-third of the expense incurred in cultivation of the crop is lost by the sugar planter, being used in seeding his crop for the succeeding year. In Puerto Rico we are informed that the planter has to renew his planting once in ten or even twenty years, and it is the same in Cuba and the Philippine Islands. In Hawaii planting is renewed every three or four years, but you must remember his yield is in many instances 10 and 11 tons of sugar per acre of cane. Now, if gentlemen will take this scale of wages paid in Louisiana and remember the fact that one-third of the crop raised has to be used for the setting out of the crop of the succeeding year, and then compare it with the fact that in the islands it may be that they will have only to do so every eight or ten years, you can see what difference it will amount to in the cost of wages. [Loud applause on the Democratic side.]

The whole logic of the situation, however, can be summed up better by comparison of cost of production in the United States and the cost on the islands. The cost of production in the United States is put by Professor Wiley, of the Agricultural Department, at 3½ cents per pound. The cost in Puerto Rico is put by Mr. Finlay, who appeared before the Committee on Ways and Means and is a Puerto Rican and a sugar planter of that island, as 2.1 cents per pound, a difference of nearly 1½ cents. In Cuba the estimate is the same as Puerto Rico, 2.1 cents. In the Philippines I have no estimates, but, judging from the scale of wages paid labor, I should think the production of sugar would not exceed the cost of 1½ cents per pound.

Then, again, the House will recall that under the McKinley tariff law sugar was on the free list, the American producer receiving from the Government 2 cents per pound bounty on his sugar. This did not affect the production of sugar in the Hawaiian Islands, though under that law it was competing with the bounty-fed German sugar, and the islands, at the time not being part of the United States, got none of the bounty. This proves conclusively our inability to compete with the island sugars—the Philippines, Puerto Rico, Cuba, and Hawaii. Annex the first three groups of islands as you have done with the last named, and as you are about to do with the second, and you at once destroy the sugar industry in this country. You destroy $100,000,000 invested in that industry in Louisiana alone, and you close down 33 beet-sugar factories now in operation in the West, the Northwest, and the North.

Mr. Oxnard, representing the beet-sugar industry, appeared before the Ways and Means Committee while this bill was under consideration by that committee. Mr. Hill appeared before the committee also. He appeared in the interest of the cane people. Both gentlemen agreed that what they most feared was the precedent the opening of our market to Puerto Rico would establish. Yet this bill is but the opening wedge, to be followed by the Philippines and then by Cuba.

As to the Philippines, I am justified in my assertion by the fact that every Republican who has spoken on the subject in either branch of Congress, and the President himself in his public utterances, have agreed to declare the Republican policy to be to retain the Philippines. That much of the policy of that party we know. If they are retained, under what condition will they be so retained? Can anyone doubt that, at best, if a tariff can be imposed as contemplated by this bill, it will only be at a 75 per cent reduction of the present tariff rates? Nay, is it not safe to assume that, inasmuch as the reasons urged for imposing the tariff in this bill is the impoverished condition of Puerto Rico and the people of that island, this tariff is only a temporary measure—only an emergency policy—but that eventually, and that soon, the sugars of Puerto Rico and later of the Philippines will be admitted here into free competition with our sugars?

I see that clearly—the end of this policy of expansion. Already members on the other side of the Chamber, only to-day, are suggesting that it is proper to limit the life of this bill, if it becomes law, and many are suggesting two years as the proper length of time for its operation.

As to Cuba, this bill can not be a precedent, to my mind; but my conclusions are not more comforting.

Listen to the recommendations of General Wilson, commanding military department of Matanzas and Santa Clara—the sugar bowl of Cuba—to the Adjutant-General of the Army:

> 2. For the free entry into each country of the natural and manufactured products of the other, under a common and uniform tariff, as against all other nations.
>
> (If for any reason it should be found impracticable to adopt this provision in full, then there should be the greatest allowable reduction of duty on sugar, which is the principal crop of the island, and the one which requires the greatest possible concession.)

And the President, evidently taking his cue from this report, says:

> The new Cuba yet to arise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured. Whether those ties shall be organic or conventional, the destinies of Cuba are in some rightful form and manner irrevocably linked with our own, but how and how far is for the future to determine in the ripeness of events.

There is the whole policy—whether those ties shall be organic (annexation) or conventional (by treaty). Either policy brings us disaster.

But perhaps it may be said that these conclusions are overdrawn. Let me see:

Under the Wilson tariff bill a duty of 40 per cent ad valorem was imposed on imported sugars. Sugar sold approximately at 2 cents per pound. This, therefore, was a duty of about $16 per ton. Under that law it was universally conceded by all who knew anything on the subject that sugar could not be produced in this country—at least, sugar-cane sugar—for beet was scarcely produced then.

The result of that law was financial disaster throughout the sugar districts, and plantations everywhere sold for a mere song. Ruin and insolvency and bankruptcy resulted.

The present duty is about $30 per ton. You propose to reduce this duty to 25 per cent of the present duty, or to $7.50. If sugar could not be produced with the duty at $16, it certainly can not be at $7.50.

No duty, and 25 per cent of the existing tariff law, will bring about the same disastrous condition in so far as the American producer is concerned—a worse condition than existed under the Wilson tariff.

RICE.

	1898.	1899.
	Pounds.	*Pounds.*
Consumption in the United States	480,000,000	No data.
Home production	190,000,000	300,000,000
Importation	190,000,000	204,000,000

Marketed production of rice in the United States from 1847 to 1898.

[Statistics Dan Talmage's Sons Co. Pounds cleaned. Figures each year for crop of preceding year.]

Year.	North and South Carolina.	Georgia.	Louisiana.	Total.
1847	93,488,800	22,043,400	.....	115,477,200
1848	81,381,000	21,081,600	.....	102,462,600
1849	96,751,200	22,408,800	.....	119,160,000
1850	86,662,600	25,675,200	.....	112,237,800
1851	81,414,600	21,361,200	.....	102,775,800
1852	81,776,400	23,957,400	.....	105,733,800
1853	84,188,400	18,279,000	.....	102,467,400
1854	82,981,800	18,448,800	.....	101,430,600
1855	64,150,200	6,721,866	.....	70,872,000
1856	85,662,000	17,944,200	.....	103,606,200
1857	83,043,000	16,521,600	.....	99,664,600
1858	89,436,600	18,807,000	.....	108,243,600
1859	93,667,800	22,625,400	.....	116,293,200
1860	96,516,000	21,369,000	.....	117,885,000
1861	82,171,200	21,429,000	1,679,000	106,279,200
1862	[1]	[1]	2,051,830	2,051,830
1863	[1]	[1]	2,086,280	2,086,280
1864	[1]	[1]	1,580,790	1,580,790
1865	2,471,400	[1]	2,269,180	4,740,580
1866	7,500,000	[1]	2,746,490	10,246,490
1867	12,018,600	8,429,200	4,706,720	25,154,720
1868	16,659,600	6,171,800	4,982,590	27,813,790
1869	23,428,200	10,720,800	9,502,910	43,651,910
1870	25,423,200	15,217,800	13,329,880	53,970,880
1871	25,800,000	15,000,000	14,088,880	54,888,880
1872	25,705,200	[2] 6,750,000	[2] 6,870,790	39,325,990
1873	28,344,000	11,924,400	12,007,380	52,275,780
1874	25,840,200	14,221,200	22,338,980	62,400,380
1875	28,360,800	13,002,600	26,450,000	67,813,400
1876	27,354,500	15,106,200	41,400,000	83,860,800
1877	28,940,400	16,087,800	41,630,000	86,628,200
1878	26,926,200	17,914,200	[2] 32,892,000	77,732,400
1879	25,304,400	18,437,400	[2] 37,772,000	81,513,800
1880	[3] 38,252,400	24,344,400	25,000,000	85,596,800

Year.	North Carolina.	South Carolina.	Georgia.	Louisiana.	Total.
1881	5,160,000	30,052,200	24,715,200	51,941,590	111,868,990
1882	8,220,000	[2] 20,815,200	[2] 18,345,000	55,224,610	102,604,810
1883	7,128,000	[2] 27,349,800	[2] 18,457,200	47,150,000	99,985,000
1884	7,467,600	26,913,000	21,119,400	55,200,000	110,700,000
1885	8,292,900	32,366,700	22,902,000	46,000,000	109,561,600
1886	[2] 5,250,000	30,398,700	[2] 14,496,300	100,050,000	150,195,000
1887	9,000,000	32,395,800	19,973,700	94,300,000	155,669,500
1888	5,400,000	28,455,000	11,975,700	67,800,000	113,630,700
1889	6,131,500	26,637,300	13,709,400	81,250,000	124,733,200
1890	6,818,700	30,432,900	15,095,400	79,375,000	131,722,000
1891	7,650,000	28,275,000	13,125,000	87,750,000	136,800,000
1892	6,697,800	27,183,900	12,005,700	109,778,200	155,665,600
1893	6,818,400	33,250,500	15,078,000	182,400,000	237,546,900
1894	[3] 3,937,500	[2] 11,372,445	[2] 8,688,015	[3] 98,867,200	122,865,160
1895	4,000,000	22,364,800	[2] 6,656,000	[3] 76,800,000	109,820,800
1896	2,720,000	27,901,440	10,464,000	[4] 127,600,000	168,665,440
1897	2,720,000	29,532,160	[2] 8,727,040	[3] 55,907,200	96,886,400
1898	2,080,000	28,395,200	10,181,760	[3 5] 75,644,800	116,301,760
1899	2,560,000	23,054,720	3,584,000	107,792,000	136,990,720

[1] No report for North and South Carolina or Georgia—civil war.
[2] Harvest storms.
[3] Drought during growing season in Louisiana.
[4] Unfavorable growing conditions. Large per cent of poor quality, and, because of exceptionally low values, devoted to feeding purposes, not reaching commercial channels.
[5] Reduced acreage.

The following table shows the amounts of rice and rice products imported into the United States during the fiscal years from 1894 to 1899:

Year.	Rice.	Broken, etc.	Total.
	Pounds.	*Pounds.*	*Pounds.*
1894	86,810,536	55,351,281	140,161,820
1895	141,301,411	78,262,909	219,564,320
1896	78,190,373	68,534,273	146,724,646
1897	133,939,930	63,876,204	197,816,134
1898	129,810,630	60,474,685	190,285,315
1899	153,837,026	50,340,267	204,177,293

This last year we produced in the United States 300,000,000 pounds of rice, almost as much as the total consumption of the previous year and one-half of that year's consumption.

We have the authority of Prof. S. A. Knapp, the agricultural explorer of the Agricultural Department, who has, with his learning and usual business tact, made a thorough examination of the subject, that there are over 3,000,000 acres of land on the South Atlantic and Gulf coast adapted and available for rice culture, which, in his estimation, would produce twenty-five hundred million pounds of rice—many times our present consumption.

But as we surrender our market to Puerto Rico free of charge, and throw American labor and American products in unjust and unfair competition with the cheap production of the island, contributing with our money for her government, so do we likewise pay for the privilege of shipping American products to her people.

While we produce about one-half of the rice consumed in the United States, we at the same time produce a large quantity of second-grade rice, for which there is little or no market in this country—I mean broken rice. I am told by a well-informed and intelligent rice grower in my district that a great deal of that rice is a drug on the market, and sometimes has to be used as food for cattle. The American people are small consumers of rice, but they are particular, and use only the best grade. The Puerto Ricans, on the contrary, consume this second grade almost exclusively, Professor Knapp informs me. Now, here is a market for this rice. What do you propose to do with it? Tax it 25 per cent of the present tariff for the use of that market.

I am sorry the Monthly Summary of Commerce and Finances of the United States for November, 1899, has compiled together the statistics as to the trade of Puerto Rico and Cuba, or else I should have been pleased to furnish you with the figures.

Reducing the tariff on rice exported from here into Puerto Rico, 75 per cent appears a beneficent act to our American producers, but close scrutiny will reveal the falsity of this apparent boon.

The tax on rice as fixed by the Dingley law was intended to and did equalize the opportunities of the American producer with the foreign producer on the American market. Under it the foreign producer has found it advantageous to compete with the American in that market to the extent of one-half the total American consumption. There remained in October, 1899, rice in bond 11,159,641 pounds, showing more rice was imported than could be consumed. If the foreigner found no profit in this contest he would have retired from it. The moment you apply this status of the American market to the Puerto Rican market and burden the American producer with 50 cents per hundred pounds on his rice, do you not see—is it not patent—that you legislate the American producer entirely out of the Puerto Rican market and turn that market to the Japanese, Chinese, and Asiatic producer? Undoubtedly, for this cheap-labor producer has one-half a cent a pound the advantage of the American producer in that market.

Clearly, if the duty be the same in the United States and in Puerto Rico, as this measure provides, on foreign rice, and the American rice producer must pay half a cent a pound duty to go to Puerto Rico, the foreign producer will not ship a single pound of rice into this country until he shall have supplied the wants of the people of Puerto Rico, for he will have a half cent per pound in Puerto Rico the advantage over the American market, and consequently will undersell the American rice to an absolute certainty. Thus your bill, which appears to give the American people the benefits of the small trade of Puerto Rico, in fact deprives him of the main article of importation in that island, rice.

The Constitution forbids you to impose an export tax on American product, yet by an indirect method you here, in violation of that Constitution, propose to tax the rice producer, the lumber manufacturer, etc., for the privilege of doing business with a territory your boast is is American territory. Where will the end be? If this be your expansion, of which you prate so much; if this be your liberty following the flag; if this be your commerce following your conquests; if the sum and substance of your new creed be to tax the American people to support the people of the new territory of the United States; to build their schools and their roads at the expense of the American people; to surrender the American people's markets to the cheap competition of the peoples of these territories, and then to charge the American people before they can trade with the peoples of these new territories—then I say, God save the American people from your wisdom and your theories. The sooner the American producer and the American laborer understand the logic of your conclusions and the result of your expansion policy, the better for them.

But to return to rice. Mr. Chairman, again, another discrimination against the rice producer of Georgia, Louisiana, Texas, North and South Carolina is concealed in this apparently harmless measure. Rice does not compete alone with rice as a food stuff, but with every known cereal.

We export buckwheat, corn, corn meal, oats and oatmeal, rye and rye flour, wheat and flour in immense quantities, and send them to almost every port in the world. Despite that fact, a tax of from 25 cents per bushel to 25 per cent ad valorem is imposed on all these food stuffs by the Dingley law. On flour this tax is 25 per cent. As long as the tax was applied to the American market it was harmless; applied to the Puerto Rican market it operates a discrimination against the American rice producer.

Spain had a tariff on flour entering Puerto Rico of $4 per 92 kilograms (equivalent to about 200 pounds) and a consumption tax of $2.30 per 200 pounds, making $6.30 a barrel. The surrender of Puerto Rico to this country destroyed this tax. The application of your measure to the island substitutes for it 6½ per cent ad valorem duty and imposes upon rice a tax of 16 per cent. This is an unjust and unfair advantage given one American product needing no protection over one needing it.

There is, Mr. Chairman, no benefits anywhere to be derived from this measure to the American people. There is, Mr. Chairman, no justice under it for the American rice producer. There is, Mr. Chairman, no safety for the American sugar producer under this bill. Nor, indeed, from the would-be colonial policy of the Republican party. To that industry but one safe course is open. It lies in the Democratic policy of anti-expansion. It consists in carrying out the policy declared by Congress as to Cuba—to make her free and independent—and to apply the same policy to the Philippine Islands and carry out that policy, as under the Constitution we should do.

Believing, as I do, that this measure, if successful, is the beginning of the end of American sugar; that it will operate as an effective barrier to the sale of American rice in Puerto Rico; that the doctrine under which it is brought here is wrong and violative of the Constitution; that the only safety for the people I have the honor to represent here and their great industries, their prosperity and happiness, all unite in condemning the Republican party's policy of expansion, I am compelled to vote against this measure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROUSSARD. I would like to have more time, and I ask unanimous consent for five minutes.

Mr. DALY of New Jersey. I will have to object, because the gentleman from Massachusetts has been waiting for two days to get in.

Mr. BROUSSARD. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. THAYER. Mr. Chairman, I propose, in the brief time allotted me, to present some suggestions for the consideration of the House on the present policy of this Administration toward the Philippines.

It will be remembered, Mr. Chairman, that we entered upon the late war with Spain for a single purpose, well understood, clearly defined, and forcibly stated in solemn resolution by the Congress of the United States, as follows:

> The United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island (Cuba) except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and the control of the island to its people.

And the purpose that was then declared was impliedly made in relation to all other Spanish possessions, and so accepted and understood, not only by the great body of our people, but by all other nations as well. It was to be a war for humanity's sake and not for conquest, plunder, or annexation. The sacrifice of life and treasure that would be involved in the struggle was to be a free-will offering to freedom and independence. The youth and valor of this country, actuated by American patriotism and America's high sense of justice and right, rose in their majesty and declared that Spain's coercion and subjugation of our neighboring people, seeking freedom and independence, should cease, and that liberty should not perish in our midst. Here was one of the grandest spectacles ever presented to man, compelling and receiving the admiration and respect of every liberty-loving nation on earth.

Soon after the war for humanity and liberty was actually begun, Admiral Dewey, for the purpose of capturing the Spanish

fleet, sailed into Manila Harbor and found in Manila the Filipinos in open revolt against Spanish sovereignty and Spanish dominion, and anxious and willing to become our allies in the war against Spain. They cooperated with us upon the theory that our enemy was their enemy. We gladly accepted their cooperation and furnished them with additional arms, that their assistance and cooperation might be the more effectual. While Dewey assaulted Manila by sea, at a time when he had not a soldier to embark for an army of occupation, the Filipinos besieged the city successfully by land. Their officers were in direct communication with our officers. They were our willing and accepted allies during the remainder of the campaign and until Spain sued for peace. Did we by word or act or suggestion, expressed or implied, intimate to these people that, having conquered Spain, we would then turn our attention to subjugating them, and while we had assisted them in casting off the yoke of bondage of Spain we would subject them to a like vassalage to ourselves? What had they, in all fairness, the right to expect from a powerful free Republic, which had entered into war with Spain for the expressed purpose of freeing a people seeking independence?

But greed cries aloud for commercial gain, and pictures the immense advantage to be derived from our possession in the Orient, and urges us to go in and possess ourselves of the Philippines. The siren voice of the tempter is heard drowning the voice of reason. The press, yes, and the pulpit, too, join in the wild babel of the imperialists in urging the gods of war, in the name and for the sake of commercial expansion and religion, to overpower and subdue these weak and unprotected inhabitants, that trade may be expanded and religion taught.

And so to-day the spectacle is presented of the youth, valor, and strength of the nation being used by the present Administration to conquer, subdue, and destroy the people of a nation whose greatest offense is that they are struggling for their independence, the same as Cuba was when we presented our kind offerings in her behalf.

What has wrought this great change in the American policy? A nation willing to intercede in behalf of a people struggling for independence to that extent that it voluntarily would wage war upon a friendly nation, that a weak and struggling people might obtain its independence, immediately afterwards waging a war for conquest and subjugation upon a weak and defenseless people struggling solely for independence.

How can these two policies so diametrically opposed to each other be accounted for? The American people are not fickle, unkind, or unjust; they are not unmindful of the just and limited powers of the Constitution, nor have they divorced themselves from the beneficent influences and principles of the Declaration of Independence. We need not look far for an explanation. The American people have never been permitted to pass upon this un-American policy and to affix their seal of disapprobation upon it, and should not now be held responsible for this great blunder and greater wrong. There has been a studied purpose on the part of the Republican Administration to keep even the representatives of the people, the Congress of the United States, from adopting and promulgating any policy toward the Philippines until a sufficient time had elapsed in which it could prepare and influence the people to accept this imperialistic policy, which a year ago was so abhorent to our people and so foreign to the traditions of our Republic. But the time has now come when the legally constituted authority for the establishment of the American policy toward the Filipinos should assert itself, regardless of any one man's desires, pride, or ambition.

Those who oppose this un-American, imperialistic policy have been accused by the camp followers and apologists of the present Administration of not being able or willing to propose a remedy for the evil which exists, and tantalizingly ask "if we would have them haul down the flag and our Army and Navy retreat in ignominy and shame?" The conspicuously able and, as I am told and believe, generally fair and generous gentleman from Illinois has been inoculated with the same virus and tarred with the same stick and gave vent the other day to the same sentiment when, facing this side of the Chamber with the air of one who is about to announce an argument that is unanswerable, he stated, "This bill appropriates $45,000,000 to sustain the Army for the balance of the fiscal year. If anybody wants to move to strike the appropriation out, here is the place and now the time." Others firing on the same line and prompted by a like sentiment have asserted that those who oppose the present policy of the Administration are "unpatriotic, disloyalists, and copperheads."

Mr. Chairman, there ought not to be, and I am confident there is not, a gentleman on this side of the House or on that side who would hesitate for an instant to vote munitions of war, supplies, and money, even should it take the last cent in the Treasury, to support the Army and Navy in defending the flag, wherever raised and wherever it floats. Those who think otherwise misjudge the American people of all parties and all sections of our country.

If the Spanish war had been a failure in everything else, as it was not a failure in anything, it would have been worth all it cost in treasure, in sacrifice, blood, and life in furnishing the opportunity it did for our Southern brethren to demonstrate to the world beyond a possibility of doubt their patriotism, their love of country, love of union, and devotion to the old flag. And it will require something more than the insinuations, innuendoes, the taunts, and jeers of a Republican partisanship to arraign the anti-imperialists as disloyalists, traitors, and copperheads.

President McKinley, in his message to Congress, states that—

> The future government of the Philippines rests with the Congress of the United States. Few graver responsibilities have ever been confided to us. Until Congress shall have made known the formal expression of its will I shall use the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in those distant islands.

Our attention is thus directed to our duty, and the President is relieved of further responsibility of our policy toward the Philippines.

We should not permit ourselves to shirk the responsibility which the law has imposed upon us. Here is the place and now the opportunity to proclaim to the world, emphatically and free from equivocations or doubt, the policy of our Government toward the Philippine Islands and their inhabitants, namely, "That it is not the purpose of this Government to deprive the people of the Philippine Islands of their independence and right of self-government, and as soon as they will lay down their arms and acknowledge and accept our supremacy they may establish a republican form of government and declare their independence, and we will protect them against the aggressions of the powers of the world." [Applause on the Democratic side.] Let this policy of our Government be announced, and not another shot will be fired nor another life sacrificed.

And, too, Mr. Chairman, we are not ashamed of the company we keep. In all matters pertaining to the welfare of our country, the prosperity of our people, and the perpetuation and protection of our republican institutions we prefer the counsel and advice of Boutwell, HOAR, HALE, and Fuller to that of HANNA, PLATT, QUAY, and BEVERIDGE. [Applause on the Democratic side.]

We need make no apologies for our cause or for our conduct, nor do we come with bowed heads and trembling hearts to seek pardon from the crowned heads of Europe—or the would-be crowned heads of America—but to assert our allegiance, our loyalty, and our love for the grandest and noblest country that the sun meets in his coming, and the purest, wisest, and most beneficent Government vouchsafed to a people. We come not to destroy but to defend and protect the liberties of the people at home and abroad and to sound the note of warning lest there shall be a betrayal of this great trust of popular government which was confided to our hands or any infringement upon the high ideals of honor, equality, and freedom, and to beseech those actuated by an all-consuming desire for patronage and power to halt before any ill-advised step shall be tkaen which shall bedim the glory of that brightest gem in the coronet of nations.

Consider the birth, the development, the achievements, the glory of the independent American Republic, and ask yourselves, the proud possessors of this rich inheritance to which I have referred, and mindful of the sacred memories of the fathers, if we can afford to refuse to 10,000,000 people, heretofore friendly to us, struggling solely for their liberty and independence, to at least try the experiment. When they ask bread, shall we give them a stone? When they plead for liberty and independence, shall we refuse it and compel them by an overpowering force to become our subjects and our political slaves? God forbid!

But, says the imperialist, your premises are false. The present conditions that prevail in our relations with the Philippines makes the present situation an exception to what otherwise would be willingly agreed to. These people and these islands are ours; we have bought and paid for them twenty millions of money. They have been ceded to us by Spain. They are insurrectionists. They have fired on the flag. They are incapaple of self-government, and should we leave them to themselves other powers would come in and possess themselves of this territory and these people.

This is the excuse and this the defense. I join issue upon these statements, and purpose briefly to consider some of the conditions and see in how far the facts will sustain the claim.

After victory had crowned our arms at Santiago in the war with Spain, terms of peace were to be agreed to and a commission was sent to formulate the plans and terms. Spain, while she had shown herself lamentably weak and impotent in war, showed herself bright and strong in diplomacy. At the meeting of the representatives of the two powers there was a willing seller and a willing buyer, conditions most favorable for a trade, and our commissioners, acting under the specific directions from the mansion located at the other end of the avenue, "to be sure, in agreeing upon the terms of peace, to get at least Luzon," were ready buyers and the shrewd Spanish diplomats palmed off on America's peace commission, for $20,000,000 of gold, her paper sovereignty of the Philippines.

Will some one please inform the American people what in reality

we received for our $20,000,000 of gold? Spain had no sovereignty over the Philippines to sell, cede, or give away. The Philippines consist of 1,000 islands, inhabited by 10,000,000 people. Sovereignty is defined by the combined experience of the great lexicographers to be "the original, absolute, and universal power by which all persons and things in a state are controlled and governed." In the light of this definition and measured by this standard, Spain never had any sovereignty over any part of the Philippine Islands, except the city of Manila and the territory around the city not exceeding 20 miles into the country, and perhaps a few other small cities; and even here almost continually the authority, the possession, and the control of Spain were denied and opposed. All the other territory and people of the Philippine Islands were substantially free and independent of Spain's claim of sovereignty and control.

What, then, I ask again, did we get from Spain for our $20,000,000 of money? I will tell you, Mr. Chairman, what we got. We got an excuse and a miserable pretext to conquer, coerce, and subjugate to our will 10,000,000 people, and that is about all we did get.

The vendor of property, real or personal, can convey no better title than he has, and in order to have a sale there must be not only an agreement upon the price and the money paid, but there must be a delivery. The grantor must be in possession of the thing sold. Spain was not in possession or control of a single square mile of the Philippine Islands when the terms of the treaty were agreed upon and the attempt to cede the islands made. The Spanish fleet at Manila had been annihilated and the Spanish forces bottled up in Manila by the combined efforts of Dewey by sea and Aguinaldo by land, and Spain found herself totally incapacitated and powerless to exercise the least semblance of authority or prerogative even in Manila herself.

By what authority, then, does the young silver-tongued orator from Indiana, the well-recognized mouthpiece of the present Administration on the Philippine question, declare that "the Philippines are ours, and ours forever?" Not, Mr. Chairman, until we secure them by conquest as the legitimate plunder of war. At present there is a cloud upon our title, and one which can not easily be removed.

Had I the time, I should be pleased to call the attention of this House to the conditions which prevailed at the beginning of the outbreak between the two armies, and to the coincidence that the first gun was fired just before the vote on the ratification of the peace treaty was to be taken in the United States Senate. Suffice it to be said that when two belligerents are found with their coats off, sleeves rolled up, and facing each other in a threatening attitude, it makes little difference, in determining who commenced the fight, to know who gets in the first blow.

We are told by the imperialists that through all these years the American people have been groping in darkness and error in their interpretation of the language of the Declaration of Independence; that "man's inalienable rights are the pursuit of happiness, and to secure these rights governments are established among men, deriving their just powers from the consent of the governed;" that this language does not mean that government must have the consent of the governed; that this is too broad a statement; that the statement goes no further than to mean that governments should have the consent of some of the governed, not stating whether it is any considerable portion or not.

And so they would have you infer if they can find a limited number of Filipinos who are willing to consent to our form of government, we are justified under their interpolation of the Declaration of Independence in imposing upon the remainder of that people our form of government, and cite in confirmation of their interpretation the fact that the Indian whom we have had in our midst these many years have not consented to our form of government. They might have added with equal propriety and further illustration of their contention every convict serving a sentence in our penitentiaries. That is an argument of the new school of statesmen intrusted with the duties and responsibilities of legislators.

And so when you find a class of people who do not understand or will not accept our form of government or are not capable of understanding it, then we are under no obligation to get their assent to it, but are at liberty and justified under the Declaration of Independence to impose upon such people the form of government we may choose, regardless of their consent or objection, making the sovereign dominant power sole arbiter and judge of the capability, wishes, and rights of the weaker nation or people.

Something like this was the announcement of the arrogant and imperious Briton a little more than a century ago to her weak, struggling, liberty-loving American colonists, and out of and following that announcement a little unpleasantness occurred between the dictator and the objector, with the result that declaration was made to all the world that the foundation and base upon which the great superstruction of the American Republic was to be built was "That man had an inalienable right to life, liberty, and the pursuit of happiness, and that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

That declaration, through all our history for more than a hundred years, has been accepted, cherished and worshiped by a grateful, intelligent, prosperous, and liberty-loving people, until an excuse for an injustice done or to be done a weak and struggling people was needed. Then, and not till then, were raised up the latter-day statesmen, wiser in their own conceptions than those who penned the immortal Declaration itself and those who framed the Constitution, wiser than the long line of jurists and statesmen who have come and gone before—the Jeffersons, the Calhouns, the Sumners, the Lincolns—and aping the arrogance and injustice of imperial Briton a hundred years ago, defiantly proclaim through their chosen mouthpiece, the gifted and eloquent phrase maker from Indiana, from his high place in the Senate of the United States, in substance, that the weak and struggling Filipinos, 7,000 miles away, in their chosen homes, have no rights of self-government which the American people, intoxicated with greed and hope of gain, are bound to respect, and, overpowered by the iron heel of the victorious conquerors, must become the subjects and political slaves of the American people. And that people too who sprung from the loins of those who stood at Concord Bridge and Bunker Hill, at Yorktown and Valley Forge, that they might enjoy and transmit intact and unimpaired to their children and their children's children, to the last moment of recorded time, the principles and sentiments recorded in the immortal Declaration of Independence, shall deny the right of self-government to a prostrate people, pleading for liberty and independence.

These same expounders of the Constitution and interpreters of the Declaration of Independence have also discovered that when we are considering the great right of self-government we are to be confined exclusively to Anglo-Saxon self-government and to our own peculiar form of Government; that if a people should propose a republican form of government differing from our own form of Anglo-Saxon government, in such a case to that people the Declaration would not be applicable. Having arrived at this conclusion by processes of reasoning best suited to their own purposes, they see their way clear to deny to the Filipinos the right of self-government and keep within the new applied doctrine of the Declaration of Independence. But it should be borne in mind that they reach this much desired conclusion, not by argument from evidence and facts, but by the simple assertion that the Filipinos are not capable of self-government, the Anglo-Saxon kind of self-government. To use the language of the able gentleman from Indiana:

> It is barely possible that 1,000 men in all the archipelago are capable of self-government in the Anglo-Saxon sense. My own belief is that there are not 100 men among them who comprehend what Anglo-Saxon self-government even means, and there are more than 5,000,000 people to be governed.

Now, by what authority does the honorable gentleman assert that the inhabitants of the Philippine Islands are incapable of self-government? When was the crucial test applied? When were the people of those islands permitted to demonstrate the truth or the falsity of these assertions?

One takes upon himself grave responsibility when he unqualifiedly declares that a people of 10,000,000 souls, inhabiting a country by themselves for three hundred years, attending to their own wants in their chosen way, and anxious to establish their independence of all the world, are incapable of self-government. Let us calmly and dispassionately consider some of the facts and evidence bearing upon this question, that we may the better judge of the reliance we should place in the statements of those who assert, without producing evidence, the incapacity of these people for self-government.

Admiral Dewey, whose opportunity for observation of the condition of these people has been great, vouches for their ability, and says:

> They are far superior in their intelligence and more capable of self-government than the Cubans.

This statement was made June 23, 1898. Two months later, in a letter dated August 29, he referred the War Department to his former expressed opinion and added:

> Further intercourse with them has confirmed me in this opinion.

And it is asserted upon the authority of those who have made the matter a study, and from the meager statistics at hand, that one-half the people of these islands are so far educated as to be able to read and write the language of their respective provinces; to build churches and schoolhouses, some of which have been supported and maintained for more than two hundred years; to establish normal schools, nautical schools, agricultural schools, schools of the arts and trades, schools of painting, geological seminaries, military academies, and other colleges and institutions of learning.

Upon the best of authority it is asserted that this people are so far advanced as to be able to build bridges and fortifications, and

are skilled in the science and tactics of war; that they are temperate, frugal, and fairly industrious, considering that they live in a country where the necessities of life are bestowed by nature's lavish hand to a degree that is equaled in few countries and exceeded in none; that they are a people capable of raising and equipping a standing army, with skilled officers and effective appliances—in short, sufficient with the American forces to defeat and put to rout the military force of Spain; to adopt a constitution and a crude form of republican government, and maintain the same for a substantial length of time, the constitution which they adopted comparing very favorably with those of the South American republics and well adapted to the conditions which existed among them.

All these statements are facts for the proof of which there is an abundance of testimony, not only from our generals, Anderson, Merritt, and Otis—unbiased American officers—but from such creditable witnesses as Naval Cadet Leonard R. Sargent and Paymaster W. B. Wilcox, of the United States Navy, who, with the permission of General Otis, made tours of inspection and observation through the islands themselves, spending more than ten months of time on the islands. These were men who went not for the purpose of seeking some evidence to support their preconceived opinions of the incapacity of the Filipinos for self-government, but for the sole purpose of impartially ascertaining the facts of the real status and condition of these people.

But let us go further, Mr. Chairman, and summons witnesses and authorities which no one can question, that we may fairly consider what weight, if any, should be given to the charge by the imperialists that this people are not capable of self-government. No one will question the authority of our Secretary of the Interior. We find, on the authority of the annual report of the Department of the Interior, House Document No. 5 of the Fifty-fifth Congress, that the College of Santo Tomas was founded in 1611, courses and faculties were organized in 1870, with the title of the University of the Philippines; it had 581 students in 1845, and in 1856 nearly 1,000, and that the total number graduated from this one college is 11,000; that there were four colleges and seminaries in Luzon, Cebu, and Iloilo, with an attendance in 1885 of 1,580 male and 400 female pupils. Good observers state the aptitude of the natives for instruction; that nearly all the Tagalos can read and write. The best educated are without doubt those who, having studied at the University of Santo Tomas, have become lawyers. Among them can be found advocates worthy to be compared with the most celebrated in Spain.

The military music of the garrisons at Manila and the large towns of the provinces is carried on to an astonishing degree of perfection, so that there is nothing better at Madrid. In the provinces every village has its public school, in which instruction is obligatory. In 1890 there were 1,016 schools for boys and 592 for girls in the archipelago, with an attendance of 98,761 boys and 78,352 girls. Mr. Alexander A. Webb, United States consul at Manila in 1891, states that the general government appropriated $404,731.50 for schools in 1890, of which sum normal schools received $10,520. In 1890 the school of art and science was established in Manila. In the school are taught languages, bookkeeping, higher mathematics, chemistry, natural history, mechanics, political economy, mercantile and industrial legislation, drawing, modeling, wood carving, and all the trades. And lastly the Philippine Commission, in its recent report to the President, referring to what disposition shall be made of the Philippines, recommend that they shall be treated as a "first-class territory," with all the powers of local self-government except the power to vote in either branch of Congress," thus conceding their ability for self-government and refuting the proposition that there is need of our interference to protect them from anarchy.

In the light of all this evidence and these facts, and in spite of them, the sweet singer of the Wabash publicly proclaims that these people are incapable of self-government. The Anglo-Saxon kind, Mr. Chairman, the only kind the new school in politics teaches was intended in the Declaration of Independence.

Why are these statements so recklessly made? It is that an excuse may be offered to deprive this people of their inalienable, God-given right of self-government.

In making the above statements and producing the evidence and authorities for their verification, I wish it to be distinctly understood that I am speaking of the Filipinos as a whole. The above conditions do not prevail in all the islands alike. There are many islands and many places where the inhabitants are uncivilized, barbarous, and but little removed from savagery. The number of this class in all the islands of the archipelago may equal nearly one-third of the entire population of the islands.

A fair estimate of the population of the islands would be that one-third of the people are educated, intelligent, and industrious; one-third educated to a very limited extent, as evidenced by their ability to read and write their own language, and are employed in the industries of their several island provinces sufficiently to procure a scanty livelihood; the other third are in a half-civilized condition, living in indolence, squalor, and superstition.

But if this is the condition of the Filipinos in their entirety, who shall say that they are not, as a people, capable of self-government? Because one-third are indolent, shiftless, irresponsible people, shall the other two-thirds be deprived of the right of self-government if they are willing and anxious to try the experiment?

We might, with equal propriety, deny to many people of the States south of the Mason-Dixon line the right of independence and self-government because a majority of the population were formerly slaves and are now ignorant, indolent, and unsuited and absolutely unfit for self-government if left by themselves. Do you establish as the standard of the capability of a people for self-government that every one of the people must be capable of understanding and appreciating the process, authority, power, and effect of government? Or rather is it not the result of the combination of the civilized and the uncivilized, the intelligent and the unintelligent, the educated and the ignorant, the good and the bad, that the general average of the whole in intelligence and moral attainments may be ascertained? And if this latter is the true test, who shall say, in the light of the undisputed and indisputable facts as to the condition of the inhabitants of the Philippine Islands, that they are not fit to at least make the experiment of self-government?

At Chicago, in October, 1899, Mr. McKinley asserted that—

> The war with Spain was undertaken not that the United States should increase its territory, but that the oppression at our very doors should be stopped. This noble sentiment must continue to animate us, and we must give to the world the full demonstration of our purpose.

It would seem, then, that oppression is to be stopped when within a hundred miles of our doors, but when found 7,000 miles away must be enforced by us. Mr. Chairman, for the purpose of showing what heretofore has been the accepted meaning of the Declaration of Independence, I propose to make a few quotations. Hamilton said in 1775:

> The words "governments derive their just powers from the consent of the governed" are sacred words, full of life-giving energy. Not simply national independence was here proclaimed, but also the primal rights of all mankind.

The great Republican party in 1860 declared in its national platform:

> That the maintenance of the principles promulgated in the Declaration of Independence that governments are instituted among men deriving their just powers from the consent of the governed is essential to the preservation of our republican institutions.

And Mr. McKinley in 1890 at the New England Society dinner in New York, emphasizing further this accepted interpretation, declared that—

> Human rights and constitutional privileges must not be forgotten in the race for wealth and commercial supremacy. The government by the people must be by the people and not a few of the people. It must rest upon the free consent of the governed and of all the governed. Power, it must be remembered, which is secured by oppression, or usurpation, or by any form of injustice is soon dethroned.

Politicians ought to have good and retentive memories.

What irony is contained in these words in view of the present policy of this Administration! Again, listen to the words of Webster in his speech on Kossuth:

> This sentiment of country is an affection not only for the soil on which we were born, it not only appertains to our parents and sisters, brothers and friends, but our habits and institutions and the government of that country in all respects. We may talk of it as we please, but there is nothing that satisfies the human mind in an enlightened age unless man is governed by his own country and the institutions of his own government. No matter how easy may be the yoke of a foreign power, no matter how lightly it sits upon his shoulders, if it is not imposed by the voice of his own nation and of his own country, he will not, can not, and he means not to be happy under this burden.

Again, hear the words of Abraham Lincoln. Speaking of those who drafted the Declaration of Independence, he says:

> Wise men as they were, they knew the tendency of prosperity to breed tyrants, and so they established these great self-evident truths, that when in the distant future some man, some faction, some interest should set up the doctrine that none but the rich men, or none but white men, or none but Anglo-Saxon white men were entitled to liberty and the pursuit of happiness, their posterity might look up again to the Declaration of Independence and take courage to renew the battle which their fathers began.

But, Mr. Chairman, do we fully appreciate the ultimate force and effect of our denying the doctrine of self-government to the Filipinos? This Republic is still in its infancy, as it were; its span is but little past a century. Other republics have risen and flourished for a time, but insatiate greed for power and conquest, to be obtained, if needs be, at the expense of denying to others their just rights, have caused these republics to crumble and decay. The serious question for the people of this country to consider is what effect an imperial policy will have upon ourselves if we permit it to be established. The welfare of the Philippines is but an incident in the proposed departure from fundamental American principles.

History shows that a nation built upon force rests upon insecure foundations, but a nation built upon the doctrine of self-government and administered upon the doctrine of equal rights to all and special privileges to none rests upon a solid basis and need never die. Our American Republic was founded upon the eternal principles of liberty, equality, self-government, and the

consent of the governed, and to this day has been administered strictly along these lines and in accordance with these principles.

The moment we deny these rights and principles to the Filipinos we lower the standard at home and endanger self-government in the United States.

But what, Mr. Chairman, will be the effect of bringing into competition with our honest, skilled, and Christianized labor the cheap, unintelligent, and, as it were, serf labor of 10,000,000 people? We have been, and are now, considering what further legislation can be had to protect the American laborer against the influx of labor from foreign countries. If it is necessary, in order to protect the labor of this country, to exclude the comparatively intelligent labor of Europe demanding entrance to our ports, what shall be said of the purpose to place in competition with the labor of this country, directly and indirectly, the cheap, unintelligent labor and brute force of 10,000,000 people? For it must be conceded that if you are to conquer and captivate this people, making them subjects, and hold the islands as merely territorial acquisitions, then, if you pay any respect to constitutional law, precedent, and right, the labor and products of the Philippines will be upon equal terms and free competition with the labor and products of the United States.

If the Filipinos are to become citizens of the American territory there is no just power on earth known to men which can prevent them from visiting their American cousins whenever and wherever they please and participating and sharing in American employment, any denial of this proposition to the contrary notwithstanding. And it will need something more convincing than the simple assertion by one who has spent a few weeks in the Philippines collecting data to sustain his radical, preconceived ideas of this people to convince our wage-earners of the correctness of the following euphonious assertion of the gentleman from Indiana, namely, that—

> Nothing could beguile, no force compel, these children of indolence to leave their thrilling lives for the fierce and fervid industry of high-wrought Americans.

He knows that the same assertion might with equal propriety a few years ago have been made concerning the Chinese whose coming since has been such a menace to our people that we have been obliged to resort to national legislation to prohibit their immigration. But even if the Filipinos should not immigrate here, still our labor would not be free from their baneful influence. The moneyed interests of soulless trusts and combines would invest capital where they could procure the cheapest labor, and manufactories would spring up in the Philippines with just sufficient skilled labor to superintend and direct the unskilled labor of the many natives, who would be employed at 25 cents per day, and the product thus secured would be placed on the counters and sales rooms in San Francisco, Chicago, New York, and Boston, to be sold in direct competition with the product of labor here, with the inevitable result that wages would be decreased or manufactories stopped altogether in those industries which come into competition with those which would spring up in the Philippines.

We frequently hear of "the imperial destiny of the Republic." In fact we are referred to "destiny and Providence," in these turbulent times, far more frequently than has been wont during the last hundred years, when speaking of secular things. This is but an impious attempt to rid ourselves of the just fruits of our blunders and incompetency.

Mr. Chairman, the bell that rings out the announcement of the American empire will at the same fell stroke sound the death knell of the American Republic. Imperialism, surrounded by all the pomp, power, and prestige of war and conquest, can not consort with the unostentatious simplicity and virtue of the Puritan Republic.

History records the warning fact that all along the pathway of nations are found wrecks of republics which in their eagerness and ambition sought imperial power and dominion. The sad fate of the republic of Greece, once safe, strong, and powerful, should admonish us with the solemn warning of her fate. The insatiate greed for wealth and for empire of the world flourished for a season, but a just God, who rules over the destinies of nations as He does over the destinies of man, prescribed the limits. Rome fell because she had undertaken to deprive other nations of their freedom and their right of self-government. Spain, once the richest and most powerful Kingdom in all Europe, through her greed for power and prestige to extend her possession throughout the world by colonial expansion, hypocritically proclaiming that she was but following the way that "destiny" led that she might civilize the savages of the Philippines, among others that she coveted, and borrowing the livery of heaven to serve the devil in under the form of colonial government, inflicted serfdom and slavery upon the native people. Her humiliation followed as a just retribution, and to-day Spain presents the sad spectacle of being the poorest, the weakest, and most despised nation in all Europe.

The honorable gentleman from Pennsylvania, seeing and appreciating the force of the argument against annexation for want of contiguity of territory, in contradistinction to the conditions which prevailed in the annexation of nearly all the provinces we have heretofore annexed, Florida, Louisiana, Texas, and the rest, makes use of a somewhat original and unique device. He summons to his aid the modern and improved methods of travel and communications, which have tended to annihilate space and time, and without attempting to answer the serious and potent objections to the annexation of a foreign and outlying and disconnected province, 7,000 miles from our nearest shore, in another clime, its inhabitants unchristianized Mohammedans in a large degree, speaking foreign languages, and adverse to our social, political, and American traditions, cites, as if in satisfactory explanation to these objections the time necessarily spent in the primitive methods of transportation formerly to and from one State to another or from the seat of Government to the then possession to be acquired.

As if this was an answer to the grave objections of going outside and away from the continent to attack islands in the Pacific Ocean which were never intended in the economy of nature to be united or attached to the American Continent, and which will require a greater navy and army for their protection and defense, if annexed, than are now required for all the rest of the American Republic.

Under the conditions which prevail in regard to the Philippines, it was never claimed or suggested by any student, writer, statesman, or jurist, prior to 1898, that it was in the province of the nation to annex territory not contiguous to the States and not intended eventually for statehood, and especially a province populated with a distinctively homogeneous people, more densely populated than any State in the Union, capable of self-government, and struggling for independence. These conditions, I assert, are without a parallel in American history, and it has been left for the imperialist and those thirsting for world power to assert the right of annexation under these conditions.

The eloquent gentleman from Pennsylvania tauntingly proclaimed, to use his own words:

> That you raise your hands in horror and howl about shooting freedom into people.

If we do, I wish to inform the gentleman that we raise our hands the higher and howl the louder our protestations against shooting subjugation and slavery into any people if perchance they encumber our pathway to confiscation and commercial gain. We acknowledge our opposition to war, and subscribe rather to the sentiment that prompted the Czar of Russia at nearly the end of the nineteenth century, with the history of carnage and destructive wars behind it, to summon the nations of the earth to a peace conference, for the consideration of what means could be devised and promulgated to the end that there should be an end of the barbaric idea of a former age that the freedom, even much less slavery, must be shot into a people, and that war might be justified only as a last resort of the defender, and not the first resort of the aggressor.

What a commentary upon this peace conference of the nations of the world is the present attitude of two of the great nations! This peace conference had scarcely dissolved when one of the most advanced and highly educated nations of the world entered upon a bloody war against an intensely religious people that they might possess themselves of the gold fields of these people, and another progressive, prosperous, and highly educated nation is engaged in a war of conquest against a Mohammedan people for commercial gain.

The eloquent gentleman from Pennsylvania, in his newly-acquired rôle as defender and apologist of the present un-American Administration, would have you on the other side of this Chamber take counsel of Taylor, Polk, and Buchanan, rather than of Webster, Sumner, and Lincoln, in all matters pertaining to the future welfare of this country in its relations to the Philippines. And having attempted to commit you Republicans to the doctrines of these democratic middlemen of a former generation, asserts, as if without fear of contradiction, that—

> Should the Administration [McKinley] surrender this territory [the Philippines] and the advantages it secures to America, the historian of the future will write it down as one of the most pusillanimous Administrations that ever had control of national events.

Why, Mr. Chairman, he will do that in any event, and he will add that it was one of the most weak-backed, vacillating, trust-ridden apologies for an Administration ever witnessed by a suffering people since the time of Buchanan, to whom this gentleman so confidently refers the Republican members of this House for inspiration and direction in dealing with one of the most momentous questions which has attracted the public thought and public attention of the American people since the early sixties. My Republican friends, choose ye this day whom you will this day follow, Webster, Sumner, and Lincoln, or Tyler, Polk, and Buchanan,

even at the sacrifice of incurring the displeasure of the honorable and accomplished gentleman from Pennsylvania.

At the very threshold of this imperialistic policy to annex the Philippines as territory is an insurmountable obstacle. The long line of precedents and decisions of the highest courts in the land deny the right of annexation of territory, except upon condition that it shall in time be admitted to statehood, and I call the attention of the House to the provisions in all, or nearly all, the treaties heretofore ceding territory to us which especially provide that the territory shall be admitted to statehood, as appears in the Florida treaty, which is as follows:

The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the United States as soon as may be convenient with the principles of the Federal Constitution and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

In order that there might be no doubt as to our purpose on this question that the right of statehood is not to be granted to this people, the following resolution on February 17, 1899, was presented in the United States Senate and afterwards passed that body:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands, to prepare them for local self-government, and in due time to make such distribution of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

In view of this resolution and the expressed policy of this Administration, no one would venture to assert that we are to annex these islands for the purpose and with the intention that they shall ultimately be admitted as States into the Union. And without this purpose we have no authority under the Constitution to admit them as Territories. In support of this contention I wish to cite a few of the many decisions of our Supreme Court touching this very question.

In Murphy *vs.* Ramsey (114 U. S. Reports, 15) the court says:

The power in Congress over the Territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union.

In another decision directly in point is found, in Shively *vs.* Bowlby (152 U. S., 1), the following:

The Territories acquired by Congress, whether by deed of cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects.

And again, to this same point, I refer this House to the language of Judge Cooley in his Principles of Constitutional Law, page 170, where he summarizes the whole theory and doctrine as follows:

And when territory is acquired the right to suffer States to be formed therefrom and to receive them into the Union must follow of course, not only because the Constitution confers the power to admit new States without restriction, but also because it would be inconsistent with institutions founded on the fundamental idea of self-government that the Federal Government should retain territory under its own imperial rule and deny the people the customary local institutions.

Again, in confirmation of the claim here made, I wish to cite the opinion of Chief Justice Marshall himself, given in the case of Loughborough *vs.* Blake (5 Wheaton, 137):

Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania.

If these opinions are to be respected and to control, then the inhabitants of the Philippines, if annexed as territory to the United States, will at once become citizens thereof and entitled to all the rights and privileges which have been granted heretofore to the inhabitants of our Territories, for the fourteenth amendment to the Constitution of the United States provides that—

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States.

Mr. Chairman, I wish to call the attention particularly of the members on the other side of the House to a statement of a prominent Republican of the great Republican city of Philadelphia, believing, as I do, that he expresses the sentiment of very many men in the Republican party to-day.

The statement over his signature is as follows:

I am an expansionist, but I place the Constitution above expansion; I am a protectionist, but I value the Declaration of Independence beyond all tariff; I am an admirer of William McKinley, but I would not sacrifice the foundation of the American Republic to make him or any other man President.

Able and learned men may differ in their interpretation of the Constitution as affecting our right to annex foreign territory and foreign people against their consent, some holding such an act to be within the powers conferred by the Constitution and others denying it. I care not whether it is within or without the authority of the Constitution, for I am confident that the subjugation and the annexation of these people against their will is beyond the confines of the well-established purposes and traditions of our Republic and wholly in opposition to the heart, soul, and conscience of the American people, who constitute the only sovereignty of a free republic. [Applause on the Democratic side.]

And let the immortal words of Abraham Lincoln ring in your ears:

What constitutes the bulwark of our liberty and independence? It is not our frowning battlements, our bristling seacoasts, our Army and Navy. These are not our reliances against danger. All of these may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men in all lands—everywhere. Destroy this spirit, and you have planted the seed of despotism at your own doors. Familiarize yourself with the chains of bondage, and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the strength of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

Mr. Chairman, whom shall we follow in this, the time of our extremity, when doubt and uncertainty compass us about and the destiny, it may be, of our beloved country hangs trembling in the balance? Shall we follow Lincoln or BEVERIDGE?

I am aware that the popular cry of to-day is, "Wherever the flag has been raised it never must be hauled down," and the man who will not take up the refrain and join in the chorus is accused of disloyalty. Mr. Chairman, if the price of temporary popularity is the stifling of conscience and conviction, I am not thirsting for popularity. If the test of loyalty is to join in this un-American policy and soulless cry for greed and gain, I decline it. I profess a higher loyalty, the test of which is true allegiance to our flag, not so much where for the time being it may be unfurled, but rather for what it signifies and what it means. There is at least one thing which can happen to the American flag worse than to be hauled down, and that is to have its meaning and its message changed and stultified by misguided and erratic men, though loud in their protestations of loyalty.

Heretofore that flag has meant freedom to the oppressed of all the world, independence, equality, and self-government, and war only that blessed peace might follow in its train, and may God grant and the American people insist that its message may never be altered, despite the wild clamor of corporate greed, insatiate commercialism, and the shrill shriek of impatient imperialists thirsting for empire and world power.

May that flag never wave over any but a free and independent people, and may the luster of its stars never be dimmed by the shadow of the crowned imperial eagle. May its stripes of pure red and white never be crossed by the yellow bar sinister of warfare for conquest. May it never advance save to bring liberty, independence, and self-government to all beneath its folds. May it never retire save from a place where its presence would mean disloyalty to the true American idea. May it float untarnished and unchanged save by the blossoming of new stars in its celestial field of blue. May all seas learn to welcome it and all lands look to it as the emblem of the great American Republic. [Long and continued applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8245, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 4473. An act to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 419. An act amending the act providing for the appointment of a Mississippi River Commission, etc., approved June 28, 1879—to the Committee on Levees and Improvements of the Mississippi River.

S. 208. An act granting an increase of pension to Josephine I. Offley—to the Committee on Invalid Pensions.

S. 677. An act granting an increase of pension to Jerusha W. Sturgis—to the Committee on Invalid Pensions.

S. 2220. An act granting an increase of pension to Eudora S. Kelly—to the Committee on Invalid Pensions.

S. 2008. An act granting a pension to Flavel H. Van Eaton—to the Committee on Invalid Pensions.

S. 209. An act granting an increase of pension to Cornelia De Peyster Black—to the Committee on Invalid Pensions.

S. 1919. An act granting an increase of pension to Consolacion Victoria Kirkland—to the Committee on Invalid Pensions.

S. 820. An act granting an increase of pension to Anna M. Deitzer—to the Committee on Invalid Pensions.

S. 3017. An act granting an increase of pension to Julia M. Edie—to the Committee on Invalid Pensions.

S. 3266. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States national cemetery at Arlington, Va.—to the Committee on the District of Columbia.

S. 3239. An act for the relief of Richard Allston—to the Committee on Claims.

BRIDGE OVER FISHING CREEK, NORTH CAROLINA.

Mr. BELLAMY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, N. C.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and being read the third time, it was passed.

On motion of Mr. BELLAMY, a motion to reconsider the last vote was laid on the table.

Mr. BELLAMY. Mr. Speaker, I ask unanimous consent that the House bill lie on the table.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House bill lie on the table. If there is no objection, the request will be granted.

There was no objection.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until Monday next at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes, reported the same with amendment, accompanied by a report (No. 428); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899, reported the same without amendment, accompanied by a report (No. 429); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8063) to legalize and maintain the iron bridge across Pearl River, at Rockport, Miss., reported the same with amendment, accompanied by a report (No. 431); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1931) to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River, reported the same without amendment, accompanied by a report (No. 432); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8229) for the relief of the mother of William R. McAdam, reported the same without amendment, accompanied by a report (No. 430); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Library was discharged from the consideration of the bill (H. R. 8602) for the relief of Theophilus Fisk Mills; and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. EDDY: A bill (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota—to the Committee on Indian Affairs.

By Mr. CLAYTON of New York: A bill (H. R. 8877) granting extra pay to officers of the Spanish-American war not having received any benefit from previous acts passed for this purpose—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 8878) to provide a government for Puerto Rico, and for other purposes—to the Committee on Insular Affairs.

By Mr. LACEY: A bill (H. R. 8912) to authorize arrests without warrant in certain cases in forest lands and forest reserves—to the Committee on the Public Lands.

By Mr. TONGUE: A bill (H. R. 8913) extending the privilege of bounty land to persons who served in the Indian wars of the United States subsequent to March 3, 1855—to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 8914) to increase the salary of the United States district attorney for the northern district of California—to the Committee on the Judiciary.

Also, a bill (H. R. 8915) to increase the salary of the United States marshal for the northern district of California—to the Committee on the Judiciary.

By Mr. BISHOP: A joint resolution (H. J. Res. 186) providing for a resurvey of Muskegon Harbor, Michigan, with a view to obtaining 20 feet of water and a uniform width of 300 feet—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 187) prohibiting the transportation of silver-plated ware and other products of the International Silver Company, and so forth, from one State to another—to the Committee on the Judicary.

By Mr. LITTLEFIELD: A concurrent resolution (H. C. Res. 21) authorizing a survey of Medomak River, Maine—to the Committee on Rivers and Harbors.

By Mr. TOMPKINS (by request): A resolution (H. Res. 162) relating to the appointment of a special messenger under direction of the Doorkeeper—to the Committee on Accounts.

By Mr. FITZGERALD of Massachusetts: A resolution of the legislature of Massachusetts relating to the development of a system of docks in Boston Harbor and the widening and deepening of the channel—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 8879) granting a pension to Robert C. Ballard—to the Committee on Invalid Pensions.

By Mr. BRENNER: A bill (H. R. 8880) granting an increase of pension to Henry Guckes—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 8881) to remove charge of desertion from military record of Robert Ricketts—to the Committee on Military Affairs.

Also, a bill (H. R. 8882) to remove the charge of desertion from the military record of William H. Spradling—to the Committee on Military Affairs.

Also, a bill (H. R. 8883) to remove charge of desertion from military record of Harman H. Vanfelden—to the Committee on Military Affairs.

By Mr. BISHOP: A bill (H. R. 8884) authorizing the retirement of First Sergt. Merriman H. Ellis—to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 8885) granting a pension to Sara H. M. Miley—to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 8886) for the relief of Charles F. Bullock, of Ouray, Colo.—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 8887) for the relief of Capt. E.

St. John Greble and other officers and enlisted men of the United States Army—to the Committee on War Claims.

By Mr. COUSINS: A bill (H. R. 8888) granting a pension to Henry O'Connor—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8889) for the relief of William Plimley, late general superintendent of the money-order division of the post-office at New York—to the Committee on Claims.

By Mr. DAHLE of Wisconsin: A bill (H. R. 8890) granting an increase of pension to John T. Hayes—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 8891) to increase the pension of William Rheuby—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi (by request): A bill (H. R. 8892) for the relief of Robert Moss, of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8893) for relief of estate of John W. Cunyus, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. HARMER: A bill (H. R. 8894) providing for an increase of pension to Adam Walter—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: A bill (H. R. 8895) granting a pension to Arthur G. Kiddy, late a private of Company D, Home Guards, One hundred and thirty-third Regiment Virginia Militia—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 8896) to remove the charge of "absence without leave" standing against George W. Bell—to the Committee on Military Affairs.

Also, a bill (H. R. 8897) for the relief of John Gleason, alias John Smith—to the Committee on Naval Affairs.

Also, a bill (H. R. 8898) granting a pension to George A. Crall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8899) to increase the pension of L. Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8900) to increase the pension of Edward M. Franklin—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 8901) granting a pension to Mrs. Clara L. Harriman—to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 8902) granting an increase of pension to Charles P. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8903) granting an increase of pension to Eliza Wildman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8904) granting an increase of pension to Sydney Palen—to the Committee on Invalid Pensions.

By Mr. McDOWELL: A bill (H. R. 8905) to correct the military record of Andrew J. Dingman—to the Committee on Military Affairs.

By Mr. ROBB: A bill (H. R. 8906) for the relief of the estate of John Buford, deceased—to the Committee on War Claims.

By Mr. TONGUE: A bill (H. R. 8907) for the relief of Sidney W. Moss, of Oregon City—to the Committee on Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8908) for relief of C. C. Reed, of Jasper County, Miss.—to the Committee on War Claims.

By Mr. COCHRAN of Missouri: A bill (H. R. 8909) granting an increase of pension to John Patton—to the Committee on Invalid Pensions.

By Mr. CUSACK: A bill (H. R. 8910) granting a pension to Mary J. Oxley—to the Committee on Invalid Pensions.

By Mr. CRUMP: A bill (H. R. 8911) granting a pension to Mrs. Maggie Gibbs—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT: Resolutions of the Federation of Trades of Atlanta, Ga., favoring the bill prohibiting the transportation of convict-made goods from one State into another—to the Committee on Labor.

By Mr. BELL: Letters of W. A. Hover & Co., of Denver; J. M. John, of Trinidad; Luke Cahill, of Las Animas; John Love, of Raton; A. Anderson, Live Stock Farm, Payton; Saguache Stock Growers' Association; R. S. Harbor, of Burlington; T. B. Seely, of Mosca; S. E. Newcomb, of Lajara, and citizens of Kit Carson County, State of Colorado, in opposition to the anti-vaccine resolution—to the Committee on Agriculture.

Also, resolutions of Federal Labor Union, No. 6975, of Boulder, Colo., and petition of Cattle Growers of Kit Carson County, Colo., E. E. Fordham and others, against the leasing of public lands—to the Committee on the Public Lands.

By Mr. BELLAMY: Petitions of members of the bar of Rutherfordton, Shelby, and Monroe, N. C., asking for the appointment of a resident clerk of the United States circuit and district courts at Charlotte, N. C., to accompany House bill No. 6968—to the Committee on the Judiciary.

By Mr. BULL: Papers to accompany House bill for the relief of Capt. E. St. John Greble and other officers and enlisted men of the United States Army—to the Committee on War Claims.

By Mr. BURKETT: Protest of Cigar Makers' Union No. 276, of Plattsmouth, Nebr., against the passage of bill admitting products of Puerto Rico free of duty—to the Committee on Ways and Means.

Also, resolution of Cigar Makers' Union No. 276, of Plattsmouth, Nebr., against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

Also, petition of S. M. Benedict, of Lincoln, Nebr., in relation to House bill No. 1, monetary and banking systems—to the Committee on Banking and Currency.

By Mr. COCHRAN of Missouri: Remonstrance of the St. Joseph Live Stock Exchange, State of Missouri, against amending an act defining butter, etc.—to the Committee on Ways and Means.

By Mr. CONNELL: Petitions of C. Ruland, G. A. Travis, George T. Smith, George E. Plummer, and others, of Dalton, Pa., and vicinity, Norman Leach and G. W. Frasier, to amend the oleomargarine law—to the Committee on Agriculture.

Also, memorial of the Grocers and Importers' Exchange of Philadelphia, Pa., praying for legislation to build up the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. CUSACK: Papers to accompany House bill granting a pension to Mary J. Oxley, widow of Thaddeus D. Camblin—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Petition of William C. Young and others, of Greenfield, Mo., for legislation granting land warrants to old soldiers—to the Committee on the Public Lands.

By Mr. ESCH: Resolutions of Federated Trades Council of Milwaukee, Wis., asking for legislation to increase the requirements and qualifications of seamen and firemen on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Wisconsin Cheese Makers' Association, praying for the passage of the Grout bill making oleomargarine in original packages subject to provisions of the interstate-commerce laws—to the Committee on Agriculture.

Also, resolutions of Lucius Fairchild Post, No. 11, Grand Army of the Republic, Department of Wisconsin, asking for legislation proposed by the national pension committee of the Grand Army of the Republic, and for the passage of Senate bill No. 283 and House bill No. 2583—to the Committee on Pensions.

By Mr. FITZGERALD of Massachusetts: Petition of S. A. D. Sheppard, of Boston, Mass., and other druggists, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of James T. Donahue and other employees of the Boston post-office, in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Boston (Mass.) Chamber of Commerce, calling for an increase in coast artillery—to the Committee on Military Affairs.

Also, resolutions of the New England Shoe and Leather Association, of Boston, Mass., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New England Shoe and Leather Association, of Boston, Mass., favoring free trade between the United States and Puerto Rico and our new possessions—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of New York, for legislation for the better government of Alaska—to the Committee on the Territories.

Also, resolutions of the Chamber of Commerce of New York, for increased facilities in the distribution of mails in New York City—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Chamber of Commerce of New York, for the appointment of a commission to study and report upon the industrial conditions of China and Japan—to the Committee on Foreign Affairs.

By Mr. FOSS: Petition of George Schreimer and other druggists of Chicago, Ill., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GAMBLE: Resolutions of Cigar Makers' Union No. 387, of Yankton, S. Dak., protesting against the admission into the United States free of duty of the products of the Philippine Islands and Puerto Rico—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the League of Domestic Producers, Herman Myrick, chairman, in opposition to present tariff legislation by Congress in relation to Puerto Rico—to the Committee on Ways and Means.

By Mr. JETT: Resolutions of the Quincy Freight Bureau, Quincy, Ill., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition to accompany House bill to remove the charge of absence without leave standing against George W. Bell—to the Committee on Military Affairs.

By Mr. LORIMER: Petition of the Chicago National Bank and commercial firms of Chicago, Ill., praying for the extension of the pneumatic postal-tube system to Chicago—to the Committee on the Post-Office and Post-Roads.

By Mr. McDOWELL: Papers to accompany House bill to remove the charge of desertion now standing against Andrew J. Dingman—to the Committee on Military Affairs.

By Mr. McPHERSON: Papers to accompany House bill granting an increase of pension to Eliza Wildman—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Sydney Palen—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of Irving M. Webber and other railway postal clerks of the Eighth Congressional district of Wisconsin, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. NOONAN: Petition of Charles Lange and other druggists of Chicago, Ill., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. ROBB: Petition of Abraham Buford to accompany House bill for the relief of the estate of John Buford, deceased—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of International Association of Machinists, Friendship Lodge, No. 70, William H. Schultz, secretary, Fort Wayne, Ind., in favor of leaves of absence to the employees of navy-yards, gun factories, and naval stations, and arsenals of the Government—to the Committee on Naval Affairs.

By Mr. RYAN of New York: Petitions of James W. Putnam, M. D., Roswell Park, M. D., and Josephine Lintsinger and other trained women nurses, of Buffalo, N. Y., favoring the passage of House bill No. 6879, providing for the employment of women nurses in the military hospitals of the Army—to the Committee on Military Affairs.

By Mr. SPERRY: Resolutions of the Chamber of Commerce of New Haven, Conn., expressing its approbation of President McKinley's position as to customs tariffs between the United States and Puerto Rico—to the Committee on Ways and Means.

Also, resolutions of the board of aldermen of New Haven, Conn., expressing its sympathy with the proposed extension of Territorial rights to the island of Puerto Rico and its opposition to the policy of imperialism—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of New Haven, Conn., praying that a franchise be granted to a competing cable company for laying a cable to connect the United States with Cuba—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD (by request): Petition of the heirs of V. Burrow, deceased, late of Lauderdale County, Ala., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of the heirs of Nathaniel Kennemer, deceased, late of Jackson County, Ala., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of Tabitha Stephens, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of Malinda McLendon, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEEKS: Communication of T. A. Wood, grand commander Indian War Veterans of the North Pacific Coast, Portland, Oreg., urging the passage of House bill No. 53, granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive—to the Committee on Pensions.

Also, protest of G. H. Hammond & Co., against the pending bill increasing the tax on oleomargarine, etc.—to the Committee on Ways and Means.

Also, resolution of the board of control of State house of correction and branch prison at Marquette, Mich., in opposition to the passage of House bill restricting the interstate transportation of prison-made products—to the Committee on Interstate and Foreign Commerce.

By Mr. WEYMOUTH: Papers to accompany House bill No. 2876, for the relief of Egbert Stricksma—to the Committee on Claims.

By Mr. YOUNG of Pennsylvania: Protest of the G. H. Hammond Company, of Hammond, Ind., against increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petitions of Vetterlein Brothers and Boltz, Clymer & Co., of Philadelphia, Pa., favoring the passage of House bill No. 7935, relating to the duties on imported leaf tobacco—to the Committee on Ways and Means.

Also, petition of Cover, Drayton & Leonard, of Philadelphia, Pa., protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

Also, petitions of B. S. C. Thomas and Charles Este, of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Edgell Company, S. H. Levin's Sons, and Cresswell & Washburn, of Philadelphia, Pa., for the improvement of Trinity River from the Gulf of Mexico to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

SENATE.

MONDAY, *February 26, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

TRADE RELATIONS WITH PUERTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Brig. Gen. George W. Davis, United States Volunteers, military governor of Puerto Rico, together with a translation of a petition from tobacco merchants, growers, and manufacturers of Puerto Rico, asking for free-trade relations with the United States; which, with the accompanying letter, was ordered to lie on the table and be printed.

INTERNATIONAL PRISON COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a letter from Mr. S. J. Barrows, commissioner of the United States on the International Prison Commission, inclosing a report prepared by him relating to the reformatory system in the United States; which, with the accompanying paper, was referred to the Committee on Printing.

REPORT ON THE ISLAND OF LUZON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 21st instant, a report made by Paymaster W. B. Wilcox and Navel Cadet L. R. Sargent, on a trip through the island of Luzon; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek, within the boundary lines of Edgecombe County, N. C.; and

A bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1891.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Peoria County, Ill., praying for the enactment of legislation to protect the song birds of the country; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Sangamon County Medical Society, of Springfield, Ill., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Modern Remedy Company, of Kewanee, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a memorial of the Trades Council of Elgin, Ill., remonstrating against the cession of the public lands to the several States; which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Trade of Chicago, Ill., praying for the passage of a river and harbor appropriation